EXHIBIT 6
Filed Redacted/Under Seal

Page 1

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   OAKLAND DIVISION

4   _____

5

     LD, DB, BW, RH, and CJ,)
6   on behalf of themselves)
     and all others similarly)
7   situated,   )
)No. 4:20-cv-02254-YGR
8   Plaintiffs,   )
)
9   vs.   )
)
10   UNITEDHEALTHCARE   )
     INSURANCE COMPANY, a   )
11   Connecticut Corporation,)
     UNITED BEHAVIORAL   )
12   HEALTH, a California   )
     Corporation, and   )
13   MULTIPLAN, INC., a New   )
     York Corporation,   )
14   )
              Defendants.   )
15   )

16

17

18   ***CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY***

19   REMOTE VIDEO-RECORDED

20   30(b)(6) and 30(b)(1) DEPOSITION

21   OF MULTIPLAN BY

22   JACQUELINE KIENZLE

23   TUESDAY, JULY 12, 2022

24

25

Page 2

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 1   APPEARANCES
 2

 3

     For Plaintiff LD,      ARNALL GOLDEN GREGORY LLP
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                            Also Present:
21                          Dan Willey
                            Angela Uribe
22
     Also Present:          Jerry DeBoer, Videographer
23                          Brian Sack, Exhibit Concierge
24
25
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Page 3

1   INDEX

2

3   EXAMINATIONS: PAGE

4   JACQUELINE KIENZLE

5   Examination By Mr. Lavin   11

6

7   EXHIBITS

8

Page 4

Page 5

Page 6

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 7

Page 8

1   PURSUANT TO WRITTEN NOTICE and the

2   appropriate rules of civil procedure, remote

3   Video-Recorded 30(b)(6) and 30(b)(1) Deposition of

4   MultiPlan by JACQUELINE KIENZLE, called for

5   examination by the Plaintiffs, was taken via Zoom,

6   commencing at 8:06 A.M. PST on Tuesday, July 12,

7   2022, before Jennifer L. Smith, California CSR No.

8   10358, Washington CCR No. 3101, RMR, CRR, CRC, and

9   Notary Public in and for the State of Colorado.

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Page 9

1   P R O C E E D I N G S

2

3   THE VIDEOGRAPHER: Good morning. We are

4   going on the record at 8:06 A.M. Mountain Time [sic]

5   on July 12, 2022. Please note that this deposition

6   is being conducted virtually. Quality of recording

7   depends on the quality of camera and Internet

8   connection of participants. What is seen from the

9   witness and heard on the screen is what will be

10   recorded. Audio and video recording will continue to

11   take place unless all parties agree to go off the

12   record.

13   This is Media Unit 1 of the video-recorded

14   deposition of Jacqueline Kienzle, taken by counsel

15   for plaintiffs in the matter of LD, et al., versus

16   UnitedHealthcare Insurance Company, et al., filed in

17   the United States District Court, Northern District

18   of California Oakland Division, Case Number

19   4:20-cv-02254-YGR.

20   The location of this deposition is being

21   held remotely via Zoom. My name is Jerry DeBoer,

22   representing Veritext Legal Solutions, and I'm the

23   videographer. The court reporter is Jennifer Smith

24   for the firm of Veritext Legal Solutions. I am not

25   related to any party in this action nor am I

Page 10

1   financially interested in the outcome.

2   Counsel and all present, including remotely,

3   will now state their appearances and affiliations for

4   the record. If there are any objections to

5   proceeding, please state them at the time of your

6   appearance, beginning with the noticing attorney.

7   MR. LAVIN: Hi. This is Matt Lavin of

8   Arnall, Golden & Gregory for the plaintiffs, and I am

9   joined by my colleagues Nicole Wemhoff, also of

10   Arnall, Golden & Gregory; Aaron Modiano, also of

11   Arnall, Golden & Gregory; and my co-counsel, Katie

12   Spielman of DL Law Group.

13   MR. KING: Good morning. This is Errol King

14   with the law firm of Phelps Dunbar, representing

15   MultiPlan and Ms. Kienzle.

16   MS. RICHARDSON: This is Heather Richardson

17   from Gibson Dunn representing United, and I'm joined

18   today by Dan Willey and Angela Uribe both from Gibson

19   Dunn also.

20   THE REPORTER: Ms. Kienzle, if you could

21   please raise your right hand.

22

23   JACQUELINE KIENZLE,

24   having been first duly sworn,

25   was examined and testified as follows:

Page 11

1   EXAMINATION

2   BY MR. LAVIN:

3   Q.   Good morning, ma'am. Could you state your

4   name for the record, please.

5   A.   Jacqueline Kienzle.

6   Q.   And can you spell your last name,

7   Ms. Kienzle.

8   A.   K-i-e-n-z-l-e.

9   Q.   And can you give us your home address,

10   Ms. Kienzle.

11   A.   1911 Canyonpoint Lane, Castle Pines.

12   Q.   I'm sorry. And where are you today?

13   A.   I'm in Denver.

14   Q.   Are you in an office or a hotel or --

15   A.   I'm in a hotel meeting room.

16   Q.   Okay. Is there anybody in the room with you

17   today?

18   A.   My attorney, Errol King.

19   Q.   All right. And it's good to see you again.

20   We have -- we have met before.

21   A.   Yep.

22   Q.   Under strained circumstances, I'm sure, and

23   I apologize for that, but thank you for being here

24   today.

25   Let me ask you a quick question: Have you

Page 12

1   ever -- I know I deposed you before in another

2   matter, about a year ago on a slightly different

3   topic.

4   Have you ever had your deposition taken at

5   any other time?

6   A.   Yes.

7   Q.   When was that?

8   A.   That would have been in the fall for a

9   United substance abuse claim.

10   Q.   Okay. Do you remember the name of that

11   case?

12   A.   Not off the top of my head.

13   Q.   Do you --

14   MR. KING: Matt, I'll be happy to provide

15   you with the name of the case, if that's okay.

16   MR. LAVIN: That's fine.

17   BY MR. LAVIN:

18   Q.   Do you remember what the -- what the issues

19   were in that case, or what the nature -- what they

20   were deposing you about?

21   A.   It was a substance abuse claim. So....

22   Q.   Do you remember what MultiPlan programs were

23   involved?

24   A.   No, to be honest with you. I mean, I -- I

25   do know. I just don't have it at the forefront of my

Page 13

1   head right now.

2   Q.   Okay. Do you know if that case involved

3   inpatient and outpatient claims?

4   A.   I would be making a speculation.

5   Q.   Okay. Do you know about for how long you

6   were deposed in that case?

7   A.   Seven hours.

8   Q.   Okay. And any time since then?

9   A.   No.

10   Q.   All right. So you probably don't need to

11   hear this again, but a little bit about, you know,

12   just the general rules in this.

13   You are under oath as if you were in a

14   courtroom, as if there was a judge and jury here. So

15   please keep that in mind.

16   There's a court reporter; so we've got to be

17   careful not to talk over each other. Your attorney

18   may object; so maybe wait a second before answering.

19   I'm going to do my best to let you fully and

20   completely answer any questions, and please allow me

21   to answer any questions -- to ask any questions,

22   rather, and finish those questions before you answer.

23   The -- I think that's about it. We can get

24   started.

25   I will -- I will say this is that we have --

Page 14

1   so you are -- my understanding is you are here today

2   in two capacities. You are here both as a corporate

3   witness on certain topics on behalf of MultiPlan, but

4   then also in an individual capacity.

5   As a result of that, we have a lot of

6   documents to talk about. I may ask you some

7   foundational questions in the beginning of the

8   deposition without documents, and kind of the goal of

9   that would be that perhaps we can just answer some

10 things upfront and we don't have to spend a lot of

11 time, because I think I have about 80 exhibits here.

12 And I don't -- I know that we do not want to go

13 through, necessarily, 80 exhibits. So maybe we can

14 get -- we can get some stuff out of the way early on.

15   What did you do to prepare for your

16 deposition today?

17   A. I read the complaint, I read my deposition

18 notice, the corporate notice, and some other email

19 documents and PowerPoints, and the NAA, Network

20 Access Agreement.

21   Q. When did you review those documents?

22   A. I reviewed them yesterday.

23   Q. Okay. Did you meet with your attorney

24 yesterday?

25   A. I did.

Page 15

1   Q.   Was there anyone else present?

2   A.   No.

3   Q.   And about for how long did you meet

4   yesterday?

5   A.   About seven to eight hours.

6   Q.   Did you meet in person?

7   A.   Yes.

8   Q.   Okay. And do you remember if you reviewed

9   the answer, MultiPlan's answer to the complaint in

10   this matter?

11   A.   Yes.

12   Q.   All right. And do you remember specifically

13   any of the other documents you reviewed?

14   A.   Not specifically.

15   Q.   Okay. Were they all emails? Were there any

16   presentations or --

17   A.   There was some emails. There were some

18   presentations. The White Papers.

19   Q.   The White Papers. Okay.

20   All right. So have you ever been deposed as

21   a 30(b)(6) witness before, as a corporate witness, in

22   the past?

23   MR. KING: Note my objection.

24   You can answer.

25   THE WITNESS: Yes.

Page 16

1   BY MR. LAVIN:

2   Q.   Was your -- were you deposed as a corporate

3   witness in the fall in that substance use disorder

4   case?

5   A.   Yes.

6   Q.   Okay. So as you know, as a 30(b)(6)

7   witness, the answers you're speaking -- you're giving

8   today are not just on behalf of yourself

9   individually, but they're on behalf of MultiPlan.

10   And so this is not just limited to your

11   personal knowledge, but it's limited to essentially

12   MultiPlan's position on various topics.

13   And do you understand that?

14   A.   Yes.

15   MR. LAVIN: All right. Let's bring up the

16   first exhibit, if we can. So that's Tab 1, Nicole.

17   (Exhibit 1 was identified.)

18   THE WITNESS: Uh-huh.

19   BY MR. LAVIN:

20   Q.   Do you want to take a second and let you

21   just scroll through it?

22   A.   Yep.

23   Q.   Okay. Do you recognize this document?

24   A.   I do.

25   Q.   All right. This is Plaintiffs' Notice of

1   Taking Deposition to MultiPlan of 30(b)(6), and if

2   you flip through it, there are a number of

3   categories, and I'm going to identify some of these

4   categories.

5   And if you go to the second page, there's

6   Category 5. Do you see where it says "MultiPlan's

7   procedures and/or standards applicable"?

8   A.   Yes.

9   Q.   So it sounds familiar?

10   Do you understand you've been designated as

11   the witness to testify on that topic today?

12   A.   Yes.

13   Q.   All right. If we go through to the next

14   page, there is Topic 7, 8, 9, and 10.

15   I'll ask you to look at those, and is it

16   your understanding you've been designated as

17   MultiPlan's witness to testify on those topics today?

18   A.   Yes.

19   Q.   If we go down, there's Number 12, "The use

20   of MultiPlan's Viant products by United as related to

21   out-of-network mental health claims from January 1,

22   2015, to the present."

23   Is it your understanding you've been

24   designated to testify as to those topics today?

25   A.   Yes.

Page 18

1   Q.   We go to the next page, there's 16, 17, and

2   18, and I'm not going to read them all into the

3   record but -- well, excuse me. I'm sorry. 16 and

4   17. Not 18?

5   A.   Huh-uh.

6   Q.   Is it your understanding you're qualified to

7   testify on 16 and 17 today?

8   A.   Yes.

9   Q.   And then if we go down, there's 22. Is that

10   another topic that you're qualified to testify on

11   today?

12   A.   Yes.

13   Q.   And you're qualified on all these topics

14   we've identified; correct?

15   A.   Yeah.

16   Can you go back to the -- I think it was --

17   okay. Nope. No. I got it. I thought it said

18   something else. I'm good.

19   Q.   Are there any other topics that I missed?

20   A.   No.

21   MR. LAVIN: All right. Let's bring up the

22   second exhibit. So it's under Tab 2.

23   (Exhibit 2 was identified.)

24   THE WITNESS: I don't see that. Do you see

25   it yet?

Page 19

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 1   BY MR. LAVIN:

 2       Q.   You know, before we get into that -- let's

 3   just do a little bit more quick background.

 4            What is your current position -- who is your

 5   current employer, rather?

 6       A.   My current employer is MultiPlan.

 7       Q.   And what is your current position at

 8   MultiPlan?

 9       A.   I'm senior vice president of sales and

10   account management.

11       Q.   And how long have you been in that position?

12       A.   I believe it's been two years.

13       Q.   And what was your position prior -- well,

14   first, how long have you been at MultiPlan?

15       A.   I'm going on 19 years.

16       Q.   And what was your position prior to your

17   current one at MultiPlan?

18       A.   Vice president, sales and account

19   management.

20       Q.   All right.  And what do -- how long were you

21   in that position for?

22       A.   I went into that position in 2010.

23       Q.   All right.  What are your roles and

24   responsibilities in that position?

25       A.   I oversee the United relationship.  So I
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Page 20

1   would -- UnitedHealthcare is my client, along with

2   their affiliate companies. I oversee the business

3   relationship.

4   Q.   And in your current position, are your

5   responsibilities any different?

6   A.   No.

7   Q.   Just the title has changed? Are there any

8   added duties or anything else with your new title?

9   A.   Just -- no, huh-uh.

10   Q.   Okay. And who do you report to at

11   MultiPlan?

12   A.   Dale White.

13   Q.   And what is Dale White's position?

14   A.   He's the CEO and president of MultiPlan.

15   Q.   When did he become the CEO and president of

16   MultiPlan?

17   A.   Late last fall.

18   Q.   And before that, who was the CEO of

19   MultiPlan?

20   A.   Mark Tabak.

21   Q.   Excuse me?

22   A.   Mark Tabak.

23   Q.   Tabak. Okay.

24   And who did you report to before Dale White?

25   Was it still Dale White?

Page 21

1   A. I've always reported to Dale White.

2   Q. Okay. What was Dale White's position before

3   he became CEO?

4   A. Executive vice president, sales and

5   marketing.

6   Q. For how many years have you reported to Dale

7   White?

8   A. Since 2010.

9   Q. All right. So before -- I think you stated

10   that you had a position starting in 2010 as a vice

11   president of marketing.

12   What was your position before that?

13   A. I was director.

14   Q. And director -- just a MultiPlan director --

15   A. I was a director -- I worked for Viant. So

16   2010 we got acquired by MultiPlan. So prior to that,

17   I was a director overseeing the United relationship

18   for Viant.

19   Q. For how many years have you, between Viant

20   and MultiPlan, have you worked with United?

21   A. Nineteen years.

22   Q. Okay. And you were a director at Viant when

23   it was acquired. So is it safe to say that you are

24   familiar with the Viant product?

25   A. Yes.

Page 22

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 1       Q.  Can you describe for me what the Viant

 2   product is?

 3            MR. KING:  Note my objection.

 4            You can answer.

 5            THE WITNESS:  All right.  The Viant product

 6   is a -- a facility inpatient/outpatient review of

 7   inpatient/outpatient claims to come up with a usual

 8   and customary pricing recommendation.  So we -- go

 9   ahead.

10   BY MR. LAVIN:

11       Q.  No, can we just slow down.  It's all right.

12   We take our time.  We're going to be here for a while

13   today.

14            The -- okay.  So the -- was the Viant

15   product -- what year did you begin working for Viant,

16   if you remember?

17       A.  2003.

18       Q.  And was the Viant product a new product at

19   that time, or had it existed prior to 2003?

20       A.  So the Viant product has existed before my

21   time.  I started in 2003, but I believe it was in

22   existence from -- since 1994, 1995.

23       Q.  Okay.  And do you know does United currently

24   utilize the Viant product services?

25       A.  Yes.
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Page 23

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 1        Q.  For how many years has United utilized

 2   Viant?

 3        A.  I believe since 1994, 1995.

 4        Q.  Okay.  Do you know if the methodology used

 5   to -- is Viant a pricing tool?

 6        A.  Yes.

 7        Q.  Do you know if the methodology used to price

 8   claims under Viant has changed over the years?

 9            MR. KING:  Note -- note my objection.  We

10   designated Mr. Crandell of MultiPlan for the topic of

11   the Viant methodology, but the witness can answer.

12            THE WITNESS:  I know the methodology at a

13   30,000-foot level; so you would have to ask Sean if

14   things have changed.

15   BY MR. LAVIN:

16        Q.  How many years all together have you worked

17   with the Viant technology?

18            MR. KING:  Note my objection.

19            You can answer.

20            THE WITNESS:  Nineteen years.

21   BY MR. LAVIN:

22        Q.  Okay.  And currently what types of claims

23   does United use Viant to price, if you're aware?

24        A.  To price to Viant?

25        Q.  To price to Viant.
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 24

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 1            MR. KING:  And the question is stated

 2    currently; correct?

 3            MR. LAVIN:  That's currently, yeah.

 4            THE WITNESS:  The facility claims,

 5    inpatient, outpatient, behavioral health.

 6    BY MR. LAVIN:

 7        Q.  All right.  Are there any broad categories

 8    those claims fall into.  For example, ambulatory

 9    surgery center claims?

10        A.  Yes.  They do provide ambulatory surgery,

11    yes.

12        Q.  What about dialysis claims?

13        A.  Yes.  Dialysis, yes.

14        Q.  What about -- and you said behavioral health

15    claims also?

16        A.  Uh-huh.  Yes.

17        Q.  Do you know what types of behavioral?

18        A.  I don't know at that level.

19        Q.  Do you know if behavioral health -- do you

20    know if Viant prices inpatient Behavioral Health

21    claims?

22        A.  Yes, they do.

23        Q.  Do you know in Viant prices outpatient

24    Behavioral Health claims?

25        A.  I believe they do, yes.
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Page 25

1   Q.   All right.   Let's take -- let's look at

2   Exhibit 2 for a second, and I'll give you a second to

3   look through that.

4   A.   Okay.

5   Q.   This -- Exhibit 2 is MultiPlan's Objections

6   and Answers to Plaintiffs' Special Interrogatories to

7   Defendant MultiPlan.

8   Have you ever seen this document before,

9   Ms. Kienzle?

10   A.   No.

11   Q.   So you're not able to testify to any of the

12   answers in this document, Ms. Kienzle?

13   A.   No.

14   Q.   Did you -- do you know who would at

15   MultiPlan be able to answer questions regarding the

16   information contained in this exhibit, Ms. Kienzle?

17   A.   I do not.

18   Q.   All right.

19   MR. LAVIN: And, Errol, do you know if

20   MultiPlan is producing any witness that can testify

21   to the information contained in MultiPlan's responses

22   to the interrogatories?

23   MR. KING: You know, I think -- the answer

24   to that is yes.   Ms. Praxmarer to testify as to

25   negotiations and provider inquiries.   Mr. Crandell

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 26

 1   would testify as to the Viant methodology and

 2   pricing.

 3   The issue, I think, Matt, is that this is

 4   discovery, and we did not share this document with

 5   Ms. Kienzle, not because of any special reason, just

 6   because we work with legal to respond to discovery.

 7   So if you have a question about something

 8   that's in this Exhibit 2, I'm fine with you asking

 9   Ms. Kienzle, even though she's not seen it before

10   today.

11   MR. LAVIN: Okay.

12   BY MR. LAVIN:

13   Q. Ms. Kienzle, if you can look at

14   Interrogatory Number 1 starting on Page 4. And -- so

15   interrogatories are questions, and then MultiPlan

16   prepared answers to those questions.

17   So I was wondering if you could take a look

18   at Interrogatory Number 1, and then you can look at

19   the answer for MultiPlan to Interrogatory Number 1.

20   And I will say that the substantive part of

21   the answer to that interrogatory actually begins on

22   Page 5, but the first page is primarily objections.

23   MR. KING: Right. I was going to say the

24   same thing, Matt. The true substantive answer begins

25   with, "Subject to and without waiving the general

Page 27

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 1   objections."

 2            THE WITNESS:  Uh-huh.

 3            MR. KING:  Okay.  She's reading it right

 4   now.

 5            THE WITNESS:  Okay.

 6   BY MR. LAVIN:

 7       Q.  Ms. Kienzle, does MultiPlan ever review plan

 8   documents of United?

 9       A.  They do not.

10       Q.  Does MultiPlan ever receive information

11   about what is contained in plan documents from

12   United?

13       A.  We do not.

14       Q.  Does MultiPlan ever conduct any analyses of

15   plan documents of United?

16       A.  No.

17       Q.  Does MultiPlan ever suggest plan language to

18   United?

19       A.  Yes.

20       Q.  And why does MultiPlan do that?

21       A.  So that they can describe the products and

22   services that they're using.

23       Q.  Okay.  Does MultiPlan have superior

24   knowledge of the products and the services to United?

25            MR. KING:  I'm sorry.  You broke up a little
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 28

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 1   bit, Matt.  What was the question?

 2   BY MR. LAVIN:

 3        Q.   Does MultiPlan have superior knowledge of

 4   its products and services that United uses than

 5   United?

 6        A.   I would say yes.

 7   ███████████████████████████████████████████████

     ███████████████████████████████████████████

     █████████████████████████████████

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     ████████████

14   BY MR. LAVIN:

15        Q.   And do they ask other questions about the

16   products from time to time?

17        A.   They could.

18        Q.   Who are the individuals at United who are

19   primarily responsible for utilizing the Viant

20   product?

21        A.   I would say that it would be -- I mean, I

22   work with United shared savings team, and then, you

23   know, it's their decision on whether that plan

24   language supports our product or not to use the

25   services.
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Page 29

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 1        Q.  Does -- who are the individuals, though,

 2   actually at -- would Ray Lopez be one of those

 3   individuals?

 4        A.  I work with Becky Paradise.

 5        Q.  Okay.  So primarily --

 6        A.  And so -- uh-huh.

 7             MR. KING:  Go ahead and finish your answer.

 8             THE WITNESS:  So she's my primary contact,

 9   but Ray Lopez reports to her.

10   BY MR. LAVIN:

11        Q.  Okay.  And what about Jolene Bradley?

12        A.  She is on the United team from an

13   operational perspective, I believe.  I don't work

14   with her on a day-to-day basis.

15        Q.  But you would on a day-to-day basis you work

16   with Rebecca Paradise; correct?

17        A.  Yes.

18        Q.  And does Mark Edwards -- do you know who

19   Mark Edwards is?

20        A.  Yes, he reports to me.

21        Q.  Okay.  Does Mark Edwards work primarily with

22   Ray Lopez and Jolene Bradley?

23        A.  Yes.  Mostly Ray Lopez, uh-huh.

24        Q.  Would you say that Rebecca Paradise, Ray

25   Lopez, and Jolene Bradley have a complete
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Page 30

1   understanding of the Viant product?

2   MR. KING: Note my objection. Calls for

3   speculation.

4   You can answer.

5   THE WITNESS: Yeah, I mean, I -- you would

6   have to ask them, but, you know, we've provided them

7   with the information on what our services are.

8   BY MR. LAVIN:

9   Q. Okay. Does -- has MultiPlan ever -- has

10   there ever been concern at MultiPlan that the Viant

11   product, or the way claims are priced under the Viant

12   product, is not supported by plan language at United?

13   MR. KING: Note my objection.

14   You can answer.

15   THE WITNESS: No.

16   BY MR. LAVIN:

17   Q. Does MultiPlan believe that it has

18   responsibility if there is liability arising from

19   Viant claims not being supported by United plan

20   language?

21   Do you understand my question?

22   A. Repeat that, again.

23   MR. LAVIN: Can you read the question back.

24   (Record read.)

25   THE WITNESS: No.

Page 31

1   MR. KING: I'll note my objection. Outside

2   the scope. Calls for speculation.

3   You can answer.

4   THE WITNESS: No. I mean, it is a

5   recommended amount. United adjudicates the claim and

6   makes the final decision, if they want to use that

7   amount or not.

8   BY MR. LAVIN:

9   Q. Okay. Do they make a final decision on a

10   per-claim basis?

11   A. You would have to ask them, but I believe

12   they probably do.

13   Q. Okay. Would you be surprised if their

14   testimony was different?

15   MR. KING: Note my objection.

16   You can answer.

17   THE WITNESS: No.

18   BY MR. LAVIN:

19   Q. You would not be surprised?

20   A. I mean, it is what it is. I mean,

21   whatever -- I don't know.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 32

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 33

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13   Q.   Okay.   Let's take a look at Interrogatory

14   Number 3.   Take a look at that.   And, you know, with

15   all of these, there is going to be an objection

16   paragraph and then the kind of substantive answer

17   comes after that.

18   A.   Okay.

19   Q.   Interrogatory 3 is "Describe in detail the

20   results of any and all analysis, undertakings in

21   determining pricing rates using Viant OPR, including

22   the dataset, sample size, geographic distribution,

23   et cetera, for intensive outpatient claims from

24   January 1, 2015, to present."

25   Do you know what Viant OPR is?

Page 34

1   A.   Yes.

2   Q.   What is Viant OPR?

3   A.   Outpatient Review Services.

4   Q.   And does Viant OPR rely on underlying

5   dataset?

6   A.   It does.

7   Q.   Okay. Are you familiar with that dataset?

8   A.   At a high -- at a high level.

9   Q.   And if you read the answer on the next page,

10   it says, "MultiPlan states intensive outpatient

11   claims price the same by Viant as any other

12   outpatient claims."

13   Do you see that?

14   A.   Yes.

15   Q.   Has MultiPlan ever undertaken any specific

16   analyses or studies to determine the pricing of HCPCS

17   H0015 claims?

18   MR. KING: Note my objection. Foundation.

19   You can answer.

20   THE WITNESS: Yeah, I do not know that.

21   BY MR. LAVIN:

22   Q.   Okay. Are you familiar with HCPCS H0015?

23   A.   I am because of this case.

24   Q.   Okay. Have you ever before this case

25   written or received any emails specifically regarding

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 35

1   H0015?

2   A.   Not that I'm aware of, but I -- I could have

3   come across something in the past.

4   Q.   Okay.   Let's go down and look at the next
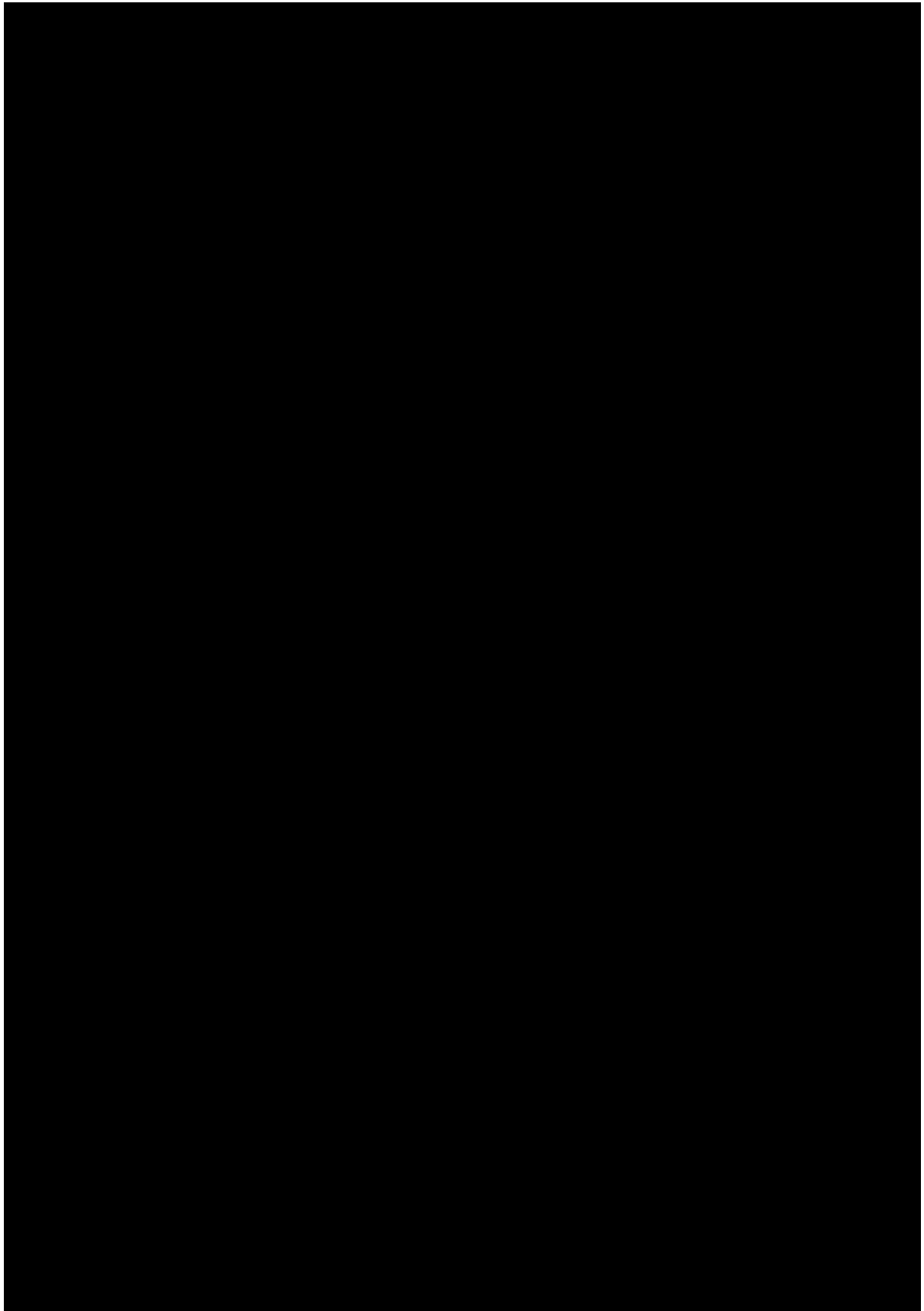
5   one, Interrogatory Number 4.

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22   BY MR. LAVIN:

23   Q.   And then it says, "Thus in accordance with

24   Federal Rules of Civil Procedure 33(d), see documents

25   previously produced.   MultiPlan reserves the right to

Page 36

1   timely supplement and/or amend its answer to the

2   interrogatory."

3   Do you at this time believe MultiPlan needs

4   to amend or supplement its answer to this

5   interrogatory?

6   MR. KING: Note my objection. Calls for

7   legal conclusion.

8   You can answer.

9   THE WITNESS: No.

10 BY MR. LAVIN:

11   Q. Okay. Let's look at Interrogatory Number 4.

12   A. Okay.

13   Q. Interrogatory 4 says, "Describe in detail

14 any and all efforts undertaken by you to obtain

15 charge data for intensive outpatient services from

16 January 1, 2015, to present, as well as any results

17 or outcomes of such efforts."

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Page 37

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Page 38

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2   BY MR. LAVIN:

3   Q.   Do you know if that data is utilized to

4   price Behavioral Health outpatient claims?

5   MR. KING: Same objection.

6   You can answer.

7   THE WITNESS: I would have to defer that to

8   HCE for that information.

9   BY MR. LAVIN:

10   Q.   Okay.   Is the standard analytical file the

11   charges that are in there the cost -- do you know

12   what I mean when I say "charge data"?

13   A.   I do.   I do.

14   Q.   Okay.   What is charge data?

15   A.   It's what the provider is charging.

16   Q.   Are you familiar with the term "cost data"?

17   A.   Yes.

18   Q.   What is cost data?

19   A.   It's cost of the -- the facility, what the

20   costs are for that facility or that provider.

21   Q.   To provide services?

22   A.   Yep.

23   Q.   Okay.   Do you know if the -- the standard

24   analytical file contains data on nonparticipating,

25   non-Medicare providers?

Page 39

1   A.   I know --

2   MR. KING: Note my objection. Foundation.

3   You can answer.

4   THE WITNESS: I know it does have data.

5   That's nonparticipating, non-Medicare data.

6   BY MR. LAVIN:

7   Q.   Okay. What is -- is the standard analytical

8   file charges that have been submitted to CMS?

9   A.   My understanding is yes.

10   Q.   Okay. Do you know why a non-Medicare,

11   nonparticipating provider would submit charges to

12   CMS?

13   MR. KING: Same objection.

14   You can answer.

15   THE WITNESS: I do not.

16   BY MR. LAVIN:

17   Q.   Has a study ever been conducted, to your

18   knowledge, of the standard analytical file to see if

19   there are H0015 claims and how many occurrences of

20   those claims there are in the standard analytical

21   file?

22   MR. KING: Hold on a second.

23   Has a study been conducted by who?

24   MR. LAVIN: By MultiPlan.

25   MR. KING: Okay. Note my objection. Same

Page 40

 1   objection.

 2   You can answer.

 3   THE WITNESS: You would have to ask Sean. I

 4   don't know that answer.

 5   BY MR. LAVIN:

 6   Q.   Can we go -- let's go to the next one,

 7   Interrogatory Number 5. Take a look at that, and,

 8   again, I may have to jump around. There's objections

 9   upfront.

10   A.   Okay.

11   Q.   The question to Interrogatory Number 5,

12   "Describe in detail your processes and procedures

13   from January 1, 2015, to the present for negotiation

14   services offered by Viant for IOP claims sent by

15   United to you."

16   And what are "negotiation services"?

17   MR. KING: I'm going to -- I'm going to go

18   ahead and object, Matt, to questioning on this topic

19   of Ms. Kienzle, as we designated Kathy Praxmarer to

20   handle this subject matter, and her deposition is

21   scheduled for July 26th, but we'll allow the witness

22   to answer.

23   THE WITNESS: Negotiation is where we reach

24   out to the provider to come to some settlement with

25   the provider.

Page 41

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 1   BY MR. LAVIN:

 2        Q.   Okay.  Can you describe for me how that

 3   process works.

 4             MR. KING:  Same objection.

 5             You can answer.

 6             THE WITNESS:  I would have to defer that to

 7   Kathy Praxmarer.  I -- I do not oversee the

 8   negotiations team.

 9   BY MR. LAVIN:

10        Q.   Is that a service that United utilizes in

11   conjunction with Viant pricing?

12        A.   Yes.

13        Q.   All right.  If you go to the page down here,

14   I've got a question about one thing, and we can -- we

15   can ask Ms. Praxmarer about it.  It says, "If it is

16   determined that the member is" -- looking at the

17   bottom of Line 27.  "If it is determined that the

18   member is, in fact, being balance billed, Viant opens

19   an inquiry and assigns it to its provider inquiry

20   team to contact the provider to attempt a resolution

21   with the attempt being obtaining the deepest savings

22   for the member and reducing the balance bill."

23             Do you see that?

24        A.   Okay.

25        Q.   Yeah.  So can you explain to me what that
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Page 42

1   means?

2   MR. KING: Same objection.

3   You can answer.

4   THE WITNESS: To obtain the deepest savings?

5   BY MR. LAVIN:

6   Q. Right.

7   What is the deepest savings?

8   A. We want to obtain as -- you know, the

9   deepest savings so that the member is held harmless.

10   Q. What does "held harmless" mean?

11   A. That they're not being balance billed.

12   Q. So when you say "member," you mean the

13   United member --

14   A. Yes.

15   Q. -- is that right?

16   A. Uh-huh.

17   Q. The -- so do United members routinely

18   receive balance bills as a result of Viant pricing?

19   MR. KING: Note my objections. Speculative.

20   Lack of foundation.

21   THE WITNESS: Yeah, I wouldn't -- you would

22   have to ask United that.

23   BY MR. LAVIN:

24   Q. Well, what is the purpose of the negotiation

25   services if members don't receive balance bills?

Page 43

1   MR. KING: Note my objection. Foundation.

2   Not her -- not her topic as a corporate rep.

3   But you can answer.

4   THE WITNESS: So can you repeat the

5   question.

6   BY MR. LAVIN:

7   Q. What is the purpose of having negotiation

8   services if members don't receive balance bills?

9   MR. KING: Objection to the form of the

10   question. Nobody ever said that members didn't

11   receive balance bills.

12   But you can answer.

13   THE WITNESS: The provider may reach out and

14   want to negotiate a claim or dispute a claim.

15   BY MR. LAVIN:

16   Q. So my question was do members sometimes

17   receive balance bills as a result of Viant pricing?

18   MR. KING: Objection. Asked and answered.

19   Foundation.

20   THE WITNESS: Yes.

21   BY MR. LAVIN:

22   Q. Okay. Interrogatory Number 11 if we go to

23   Page 13, is that a topic for Kathy Praxmarer?

24   A. Yes.

25   Q. Okay. Do you have any knowledge about

Page 44

 1   whether -- how Viant records phone calls or where

 2   they're stored?

 3   MR. KING: Note my objection to the form of

 4   the question.

 5   You can answer.

 6   THE WITNESS: No.

 7   MR. LAVIN: Let's put up Exhibit Number 3.

 8   So that's under Tab 3.

 9   (Exhibit 3 was identified.)

10   BY MR. LAVIN:

11   Q. Do you see that document, Exhibit 3?

12   A. I do.

13   Q. Have you ever seen that before?

14   A. No.

15   Q. So Exhibit 3 is MultiPlan's Objections and

16   Responses to Plaintiffs' Third Set of Requests to

17   Produce to Defendant MultiPlan.

18   As part of this litigation, were you asked

19   to search for any documents?

20   A. No.

21   Q. So have you ever undergone -- you've never

22   undertaken any search of documents responsive to

23   document requests in this matter; is that correct?

24   MR. KING: MultiPlan legal team handled

25   that, searches for documents. We didn't -- we didn't

Page 45

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 1   impose on Ms. Kienzle in that regard.

 2            MR. LAVIN:  Okay.

 3   BY MR. LAVIN:

 4       Q.  What stips do you undertake, Ms. Kienzle, to

 5   preserve documents on behalf of MultiPlan?

 6            MR. KING:  Note my objection.

 7            You can answer.

 8            THE WITNESS:  I -- I don't delete documents.

 9   So I save them in the -- in the process that we are

10   told to save them.

11   BY MR. LAVIN:

12       Q.  Okay.  So you don't delete any emails or

13   other documents?

14       A.  Not anything that is pertinent.

15       Q.  So not anything work related?  Is that what

16   you mean?

17       A.  Not anything that's work related to a case;

18   right?

19            So if we have a case, you're told to keep

20   your documents.  So I don't -- you know, if it's,

21   "Hey, do you want to have a meeting today?"  I'm

22   going to obviously delete that; right?  It's not

23   anything that's substantive.

24       Q.  So is that a litigation hold?  Have you

25   heard that term before?
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Page 46

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 1          A.   Yes.

 2          Q.   Do you receive an email about litigation

 3     holds?

 4          A.   Yes.

 5          Q.   Who does that email come from?

 6          A.   I wouldn't -- I don't know the person, but

 7     it comes probably from the legal department.

 8          Q.   Who -- who is in your legal department?  Are

 9     you familiar with Marjorie Wilde?

10          A.   Yes.

11          Q.   What is her position at MultiPlan?

12          A.   I think she's an associate general counsel.

13               MR. KING:  Marjorie is senior counsel.

14               THE WITNESS:  Oh, senior.  Okay.

15     BY MR. LAVIN:

16          Q.   Okay.  Are there other individuals you're

17     aware of in the legal department at MultiPlan?

18               I'm just trying to get some names because we

19     see a lot of documents.

20          A.   There's a Scott Mays.  Stephanie Hunt.

21     Those are the ones that I work with.

22          Q.   Okay.

23               And, Errol, I'll point out that we also do

24     not have MultiPlan's privilege log in this matter.

25     Do you know --
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Page 47

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 1              MR. KING:  That's very sad.  I think it's on

 2     its way.

 3              MR. LAVIN:  Okay.  We'd like to see that.  I

 4     imagine there will be motions to compel related to

 5     that.  So....

 6              MR. KING:  Yeah, I'm not going to take the

 7     hit on this one.  That's -- that's Craig's issue.

 8              MR. LAVIN:  Okay.  All right.

 9     BY MR. LAVIN:

10         Q.  Let's go to Exhibit -- under Tab 4.  I see

11     there is a document put up here.  I wonder if that's

12     the right -- I don't think -- oh, there we go.

13              Look under Exhibit 4, if we can.

14              (Exhibit 4 was identified.)

15              THE WITNESS:  Yep.

16     BY MR. LAVIN:

17         Q.  And take a second to look at that.

18              MR. KING:  Matt, before you start asking

19     questions about this exhibit, I don't see a Bates

20     number on it.

21              Was it produced in the litigation?

22              MR. LAVIN:  It was.  It must have been

23     produced in native format.  I have the Bates number

24     as UHC35672.  So it's just going to have one Bates

25     number, and I'll read the Bates numbers for all
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Page 48

1   exhibits into the record.

2   MR. KING: Okay. All right. Thank you. I

3   appreciate that.

4   Are you ready?

5   THE WITNESS: I'm ready.

6   MR. KING: We're ready on this end.

7   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 49

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 50

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 51

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Page 52

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 53

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 54

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 55

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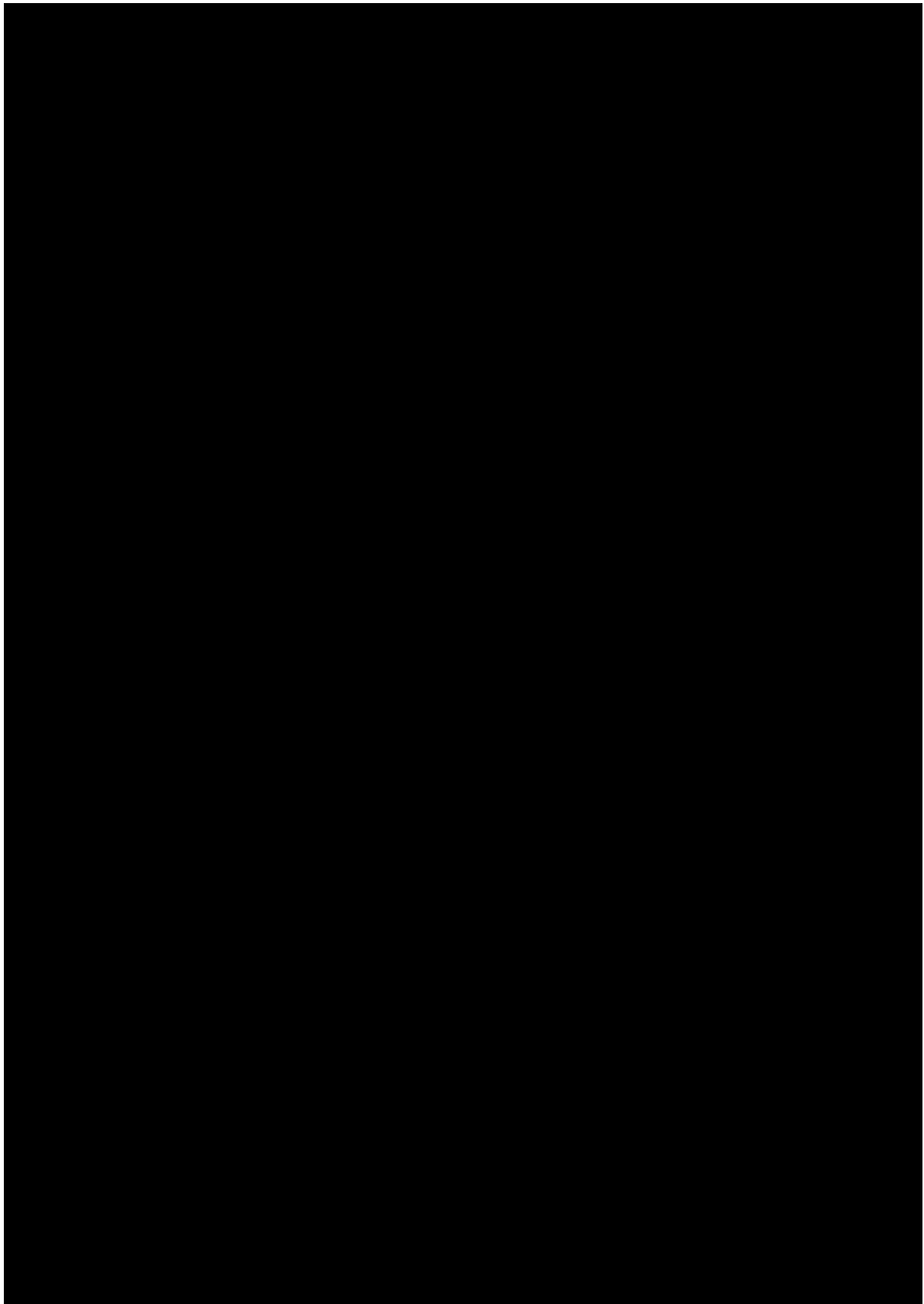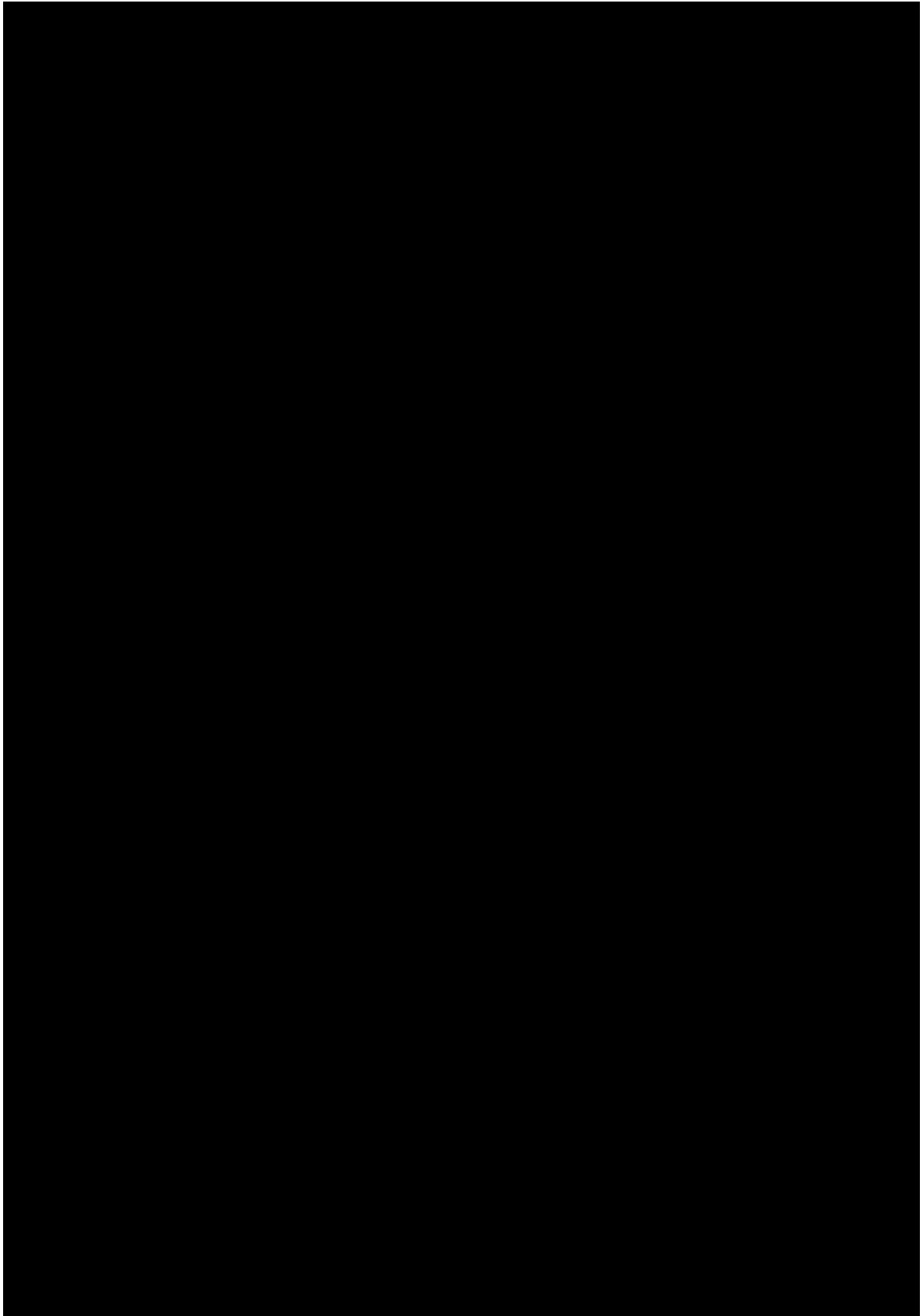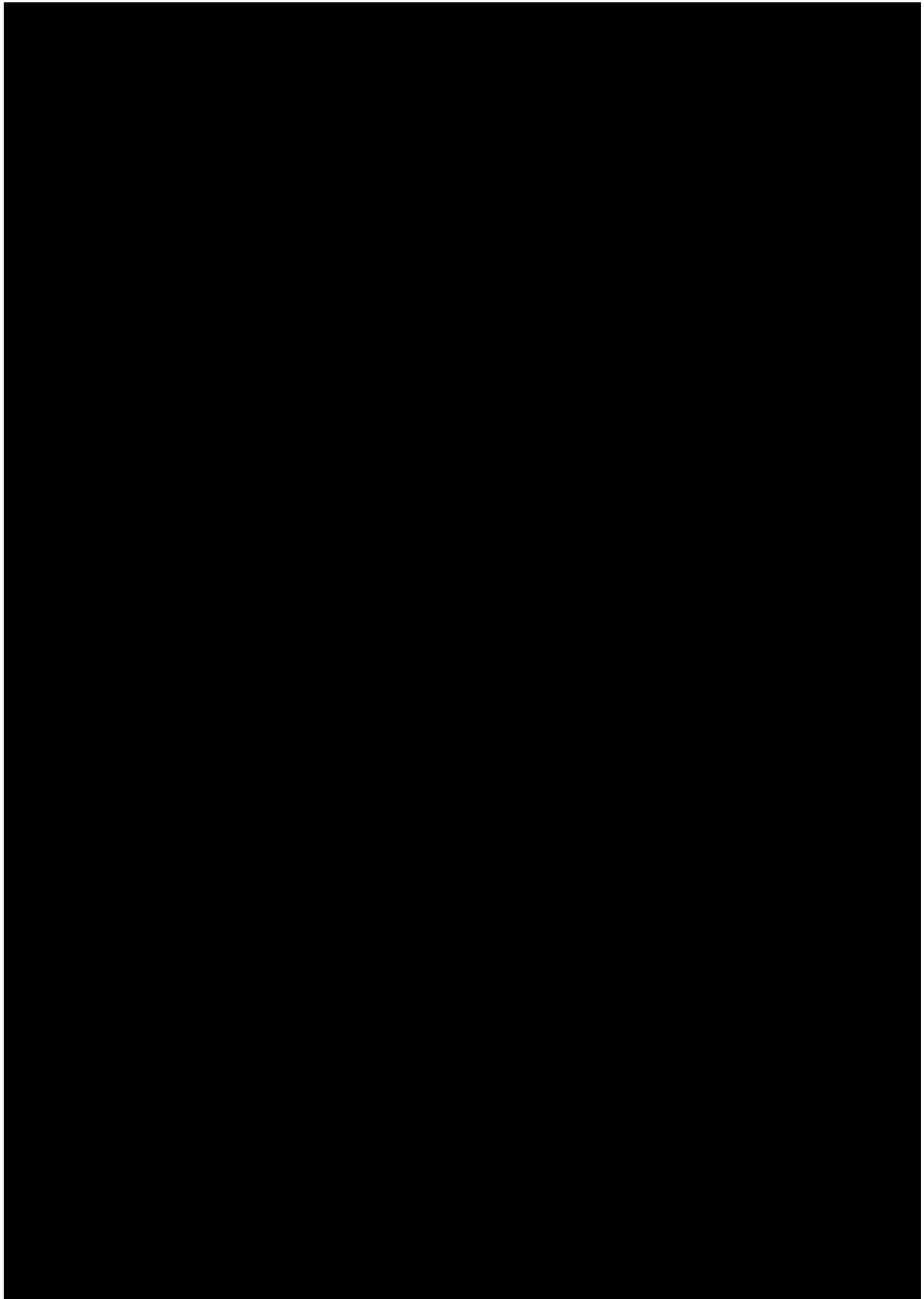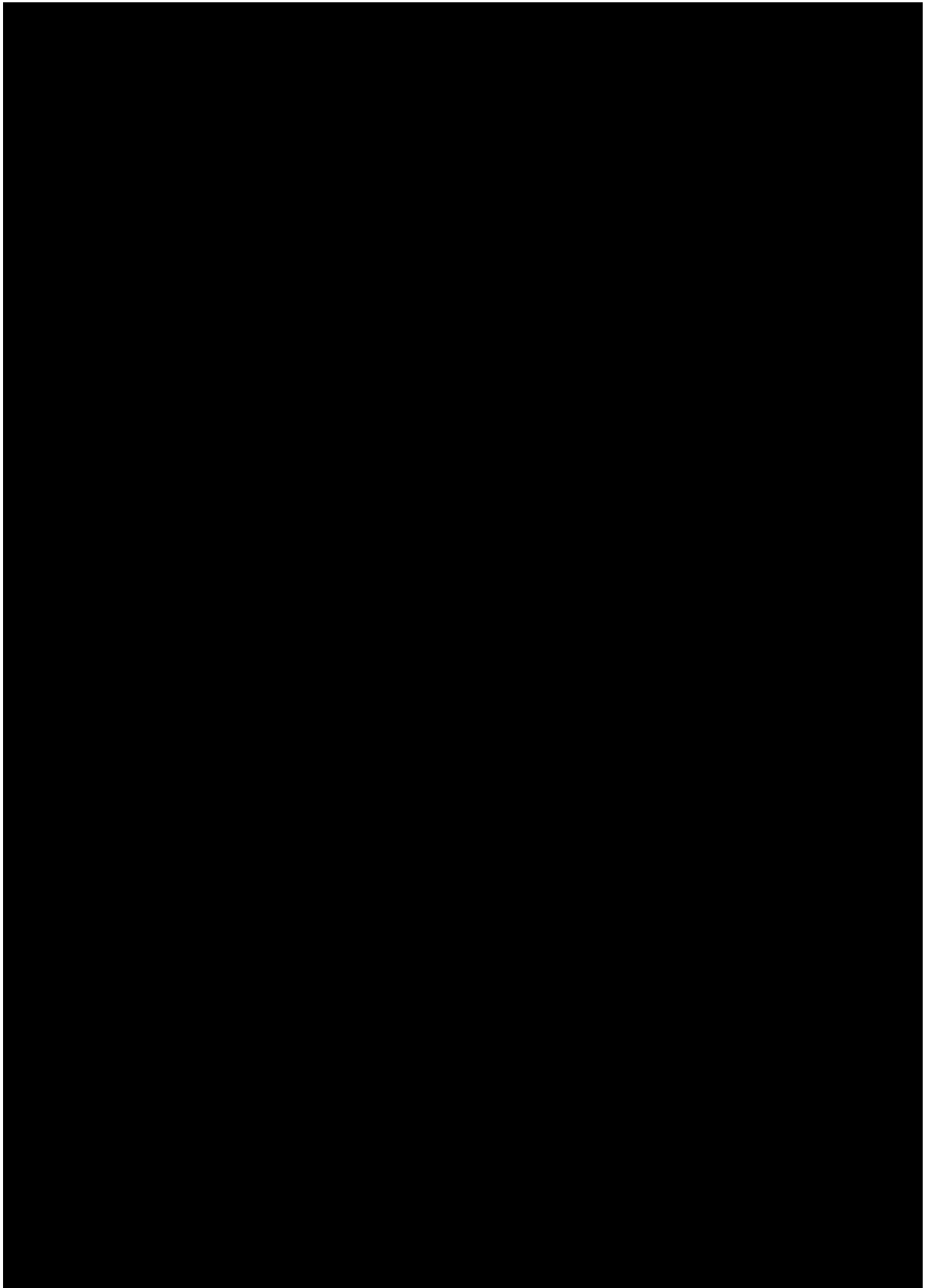
14   Q.   If that provider called up or a -- or the

15   patient -- let's say the patient had been balance

16   billed -- do you know what a balance bill is?

17   A.   Uh-huh. Yes.

18   Q.   What is a balance -- what is your

19   understanding of what a balance bill is?

20   A.   The member is being billed for the

21   difference between what the -- the charges were and

22   what was recommended on the claim.

23   Q.   Okay. And so let's say the patient in that

24   scenario had been balance billed, and they are the

25   provider called up.

Page 56

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7   Q.   All right.   Is that ever explained to

8   providers or plan members on the phone?

9   A.   Again --

10   MR. KING: Note my objection.

11   You can answer.

12   THE WITNESS: You're going to have to ask

13   Kathy Praxmarer.   I don't know what the procedures

14   are for that.

15   BY MR. LAVIN:

16   Q.   Do you know if providers or members were

17   ever informed of the negotiation parameters before a

18   claim is submitted to United?

19   MR. KING: Same objection.

20   THE WITNESS: Before it's submitted to

21   United?

22   BY MR. LAVIN:

23   Q.   That's right.

24   A.   No.

25   Q.   Do you know if they're ever informed of the

Page 57

1   negotiation parameters while -- when a claim is paid

2   by United? So, for example, is it on an EOB?

3   MR. KING: By "they," who are you talking

4   about?

5   MR. LAVIN: I'm talking about a provider or

6   a member.

7   MR. KING: Same objection.

8   You can answer.

9   THE WITNESS: So the question is are they

10   notified of the negotiation parameters?

11   BY MR. LAVIN:

12   Q. Correct.

13   A. No.

14   Q. Why not?

15   MR. KING: Note my objection. Same

16   objection.

17   THE WITNESS: Because it's -- it's -- it's

18   the --

19   MR. KING: Lack of foundation.

20   THE WITNESS: Yeah.

21   MR. KING: It's a topic that Praxmarer will

22   cover.

23   But you can answer.

24   THE WITNESS: Yep. No, it's -- yeah.

25   HCE -- or not HCE, but Kathy, please.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 58

1   MR. LAVIN: Well, I mean, one of the topics

2   that she's qualified to testify on is the use of

3   Viant -- MultiPlan's Viant products by United as

4   related to out-of-network mental health claims. So

5   let's pretend this a mental health claim we're

6   talking about.

7   MR. KING: Well -- well, hold on. We -- we

8   double designated some topics, as you know, as I've

9   informed you. But, obviously, Ms. Kienzle has a lot

10   of knowledge about United and what services MultiPlan

11   provides to United, but when the questions get into

12   the weeds of the methodology or inquiries or

13   negotiations, then we have other witnesses who have

14   more knowledge about that. That's -- that's where

15   the -- that's where I think we're getting crossed

16   here.

17   BY MR. LAVIN:

18   Q. Okay. So as far as you know, Ms. Kienzle,

19   nobody has notified -- or rather, providers and

20   members are not notified of negotiation parameters?

21   MR. KING: Same objection.

22   You can answer.

23   THE WITNESS: Correct.

24   BY MR. LAVIN:

25   Q. Do you think that that would be useful

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 59

1   information for them?

2   MR. KING: Same objection.
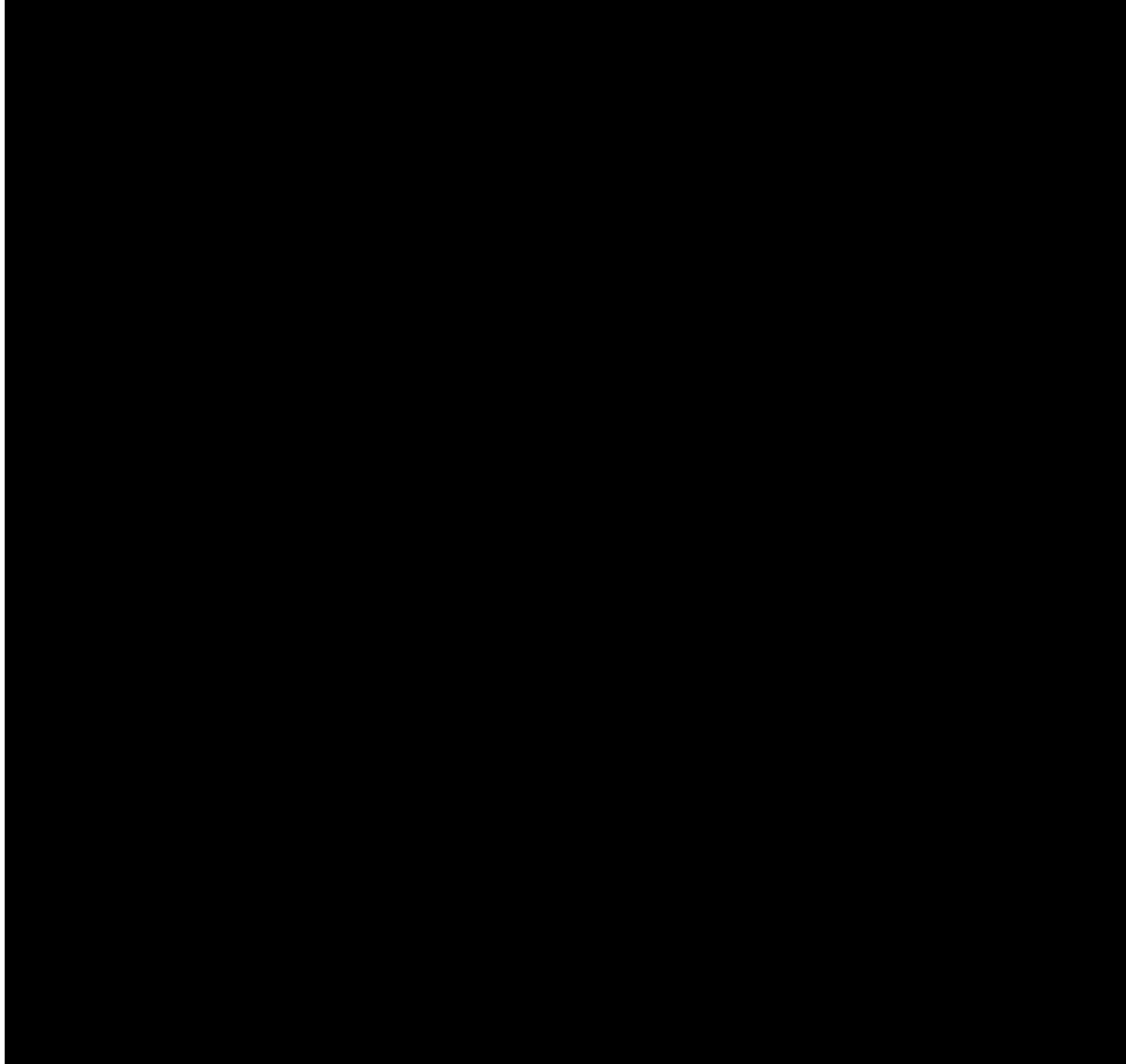
3   You can answer.

4   Different objection. Speculation.

5   But you can answer.

6   THE WITNESS: Yeah, I -- no, I don't know

7   what the value is of that.

8   BY MR. LAVIN:

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3   MR. LAVIN: Okay. Let's put up the next

4   exhibit, which is Tab 5.

5   (Exhibit 5 was identified.)

6   BY MR. LAVIN:

7   Q. Now, Ms. Kienzle, some of these -- we do

8   have a lot of documents, and I'm going to try to move

9   quick through a lot of this stuff.

10   MR. KING: That's -- that's very well

11   appreciated.

12   MR. LAVIN: There will be some things I want

13   to stop on; but, otherwise, we're going to try to

14   move quickly.

15   THE WITNESS: Okay.

16   BY MR. LAVIN:

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Page 61

1   [REDACTED]

2   Q.   Is this a document that you provided to

3   United?

4   A.   I believe I provided it to United.

5   Q.   Who prepares this document?

6   A.   I believe it's legal and probably operations

7   from Viant.

8   Q.   And who is in charge of operations for

9   Viant?

10   A.   That would be Kathy Praxmarer.

11   Q.   Has Kathy Praxmarer always been in charge of

12   operations for Viant?

13   MR. KING: Note my objection.   Can you be

14   more specific as to time frame?

15   BY MR. LAVIN:

16   Q.   For how long has she been in charge of

17   operations for Viant?

18   A.   I don't know the exact date, but Lori

19   Stanley was her predecessor.

20   Q.   Okay.   Do you know when Lori Stanley -- I'm

21   assuming she left MultiPlan -- when she left

22   MultiPlan?

23   A.   I want to say probably 2018, 2019.

24   Q.   Okay.   And Kathy Praxmarer took over for her

25   when she left?

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 62

1   A.   Yes.
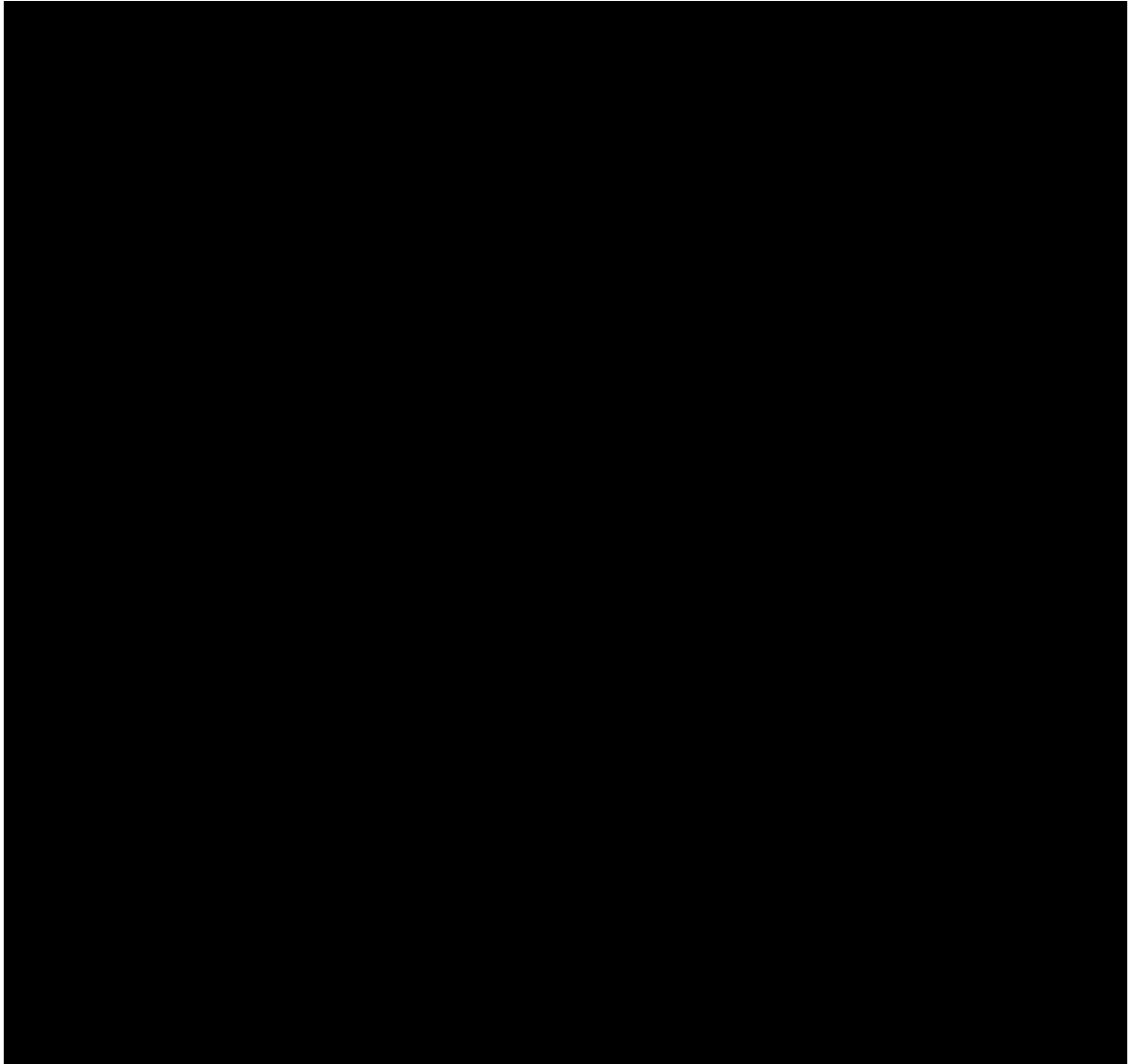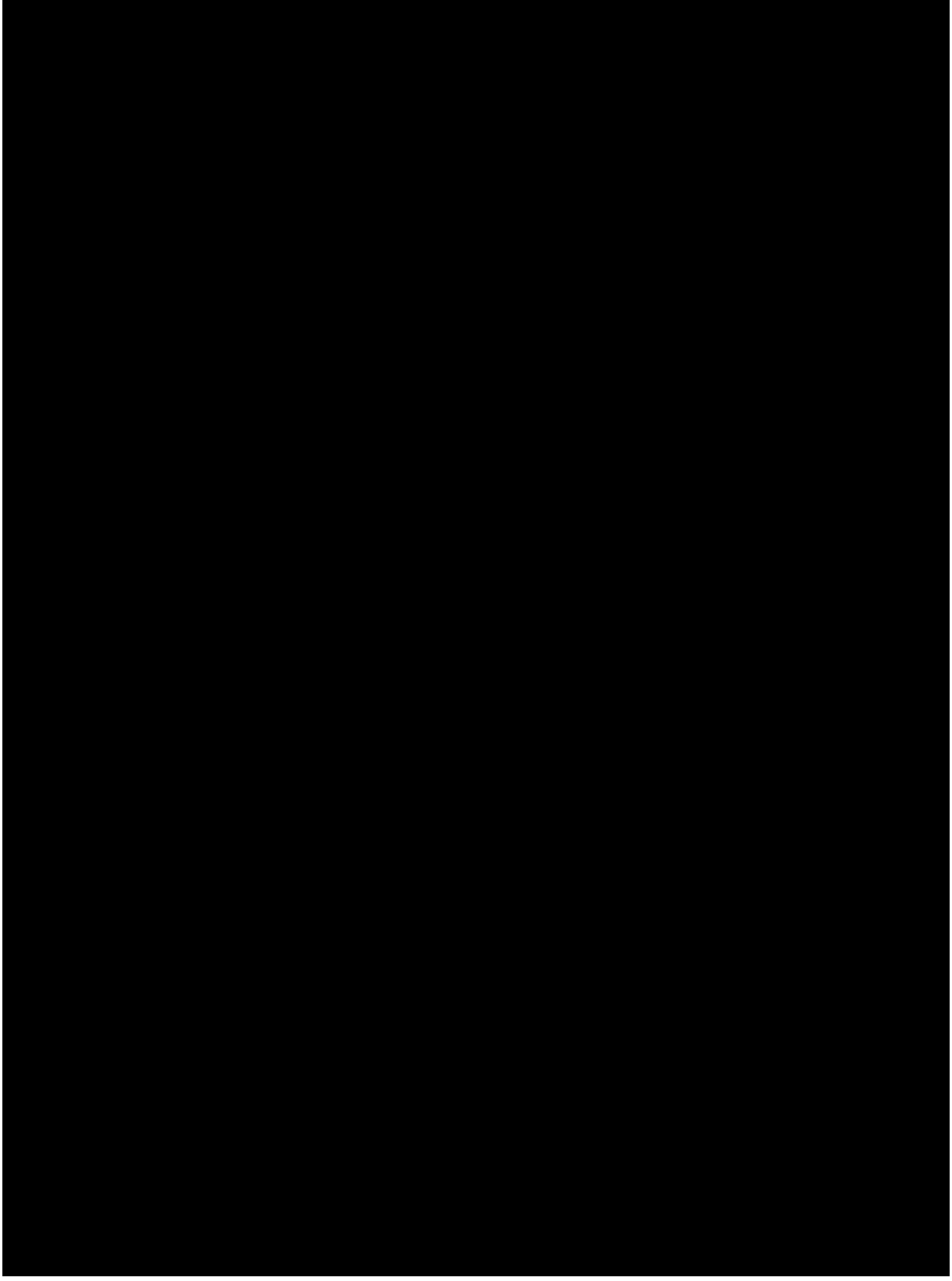
19   Q.   And what is a revenue center code, if you

20   know?

21   MR. KING: Lack of foundation.

22   You can answer.

23   THE WITNESS: From my knowledge, I believe

24   it's what the hospital uses for their cost -- for

25   their cost allocation.

Page 63

1   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 64

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6   BY MR. LAVIN:

7   Q.   Do you know what an APC is?

8   A.   Yeah, ambulatory payment classification.

9   Q.   Do you know if ambulatory payment

10   classifications are used in the pricing of Viant

11   claims?

12   MR. KING: Same objection.

13   You can answer.

14   THE WITNESS: At a 30,000 foot, I -- I know

15   that that is part of it, but you'll have to ask Sean

16   for all the details.

17   MR. LAVIN: Okay. And let us go to the next

18   exhibit, which is the next tab.

19   (Exhibit 6 was identified.)

20   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 65
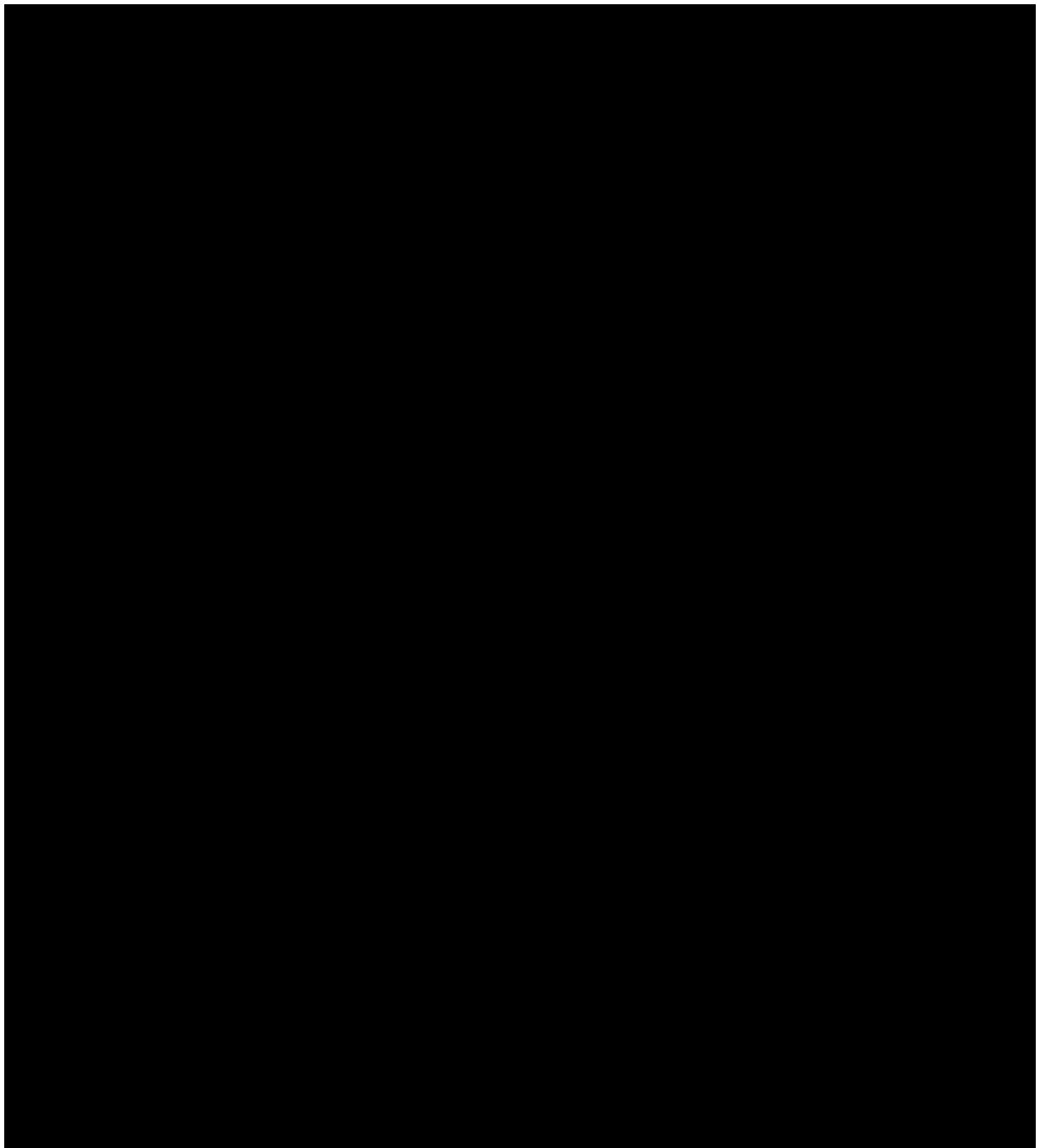
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21    HCE.
22          Q.   What's HCE?
23          A.   It's our Healthcare Economics area that....
24          Q.   What -- do you know who Michael McEttrick
25    is?
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Page 66

1   A.   I do.

2   Q.   And was Michael McEttrick a one-time head of

3   HCE?

4   A.   Yes.

5   Q.   Did Michael McEttrick work at Viant before

6   working at MultiPlan?

7   A.   Yes.

8   Q.   He did.

9   So did he come -- he came over with you to

10   MultiPlan; is that correct?

11   A.   Correct.

12   Q.   And do you know if he would have drafted

13   this?

14   MR. KING: Note my objection.

15   You can answer.

16   THE WITNESS: I do not.

17   BY MR. LAVIN:

18   Q.   Did you review this document in the

19   course --

20   A.   I --

21   MR. KING: Hold on.

22   Finish your question, Matt. I think we cut

23   you off.

24   BY MR. LAVIN:

25   Q.   Did you review this document in preparation

Page 67

1   for your deposition today?

2   A.   I looked at it.
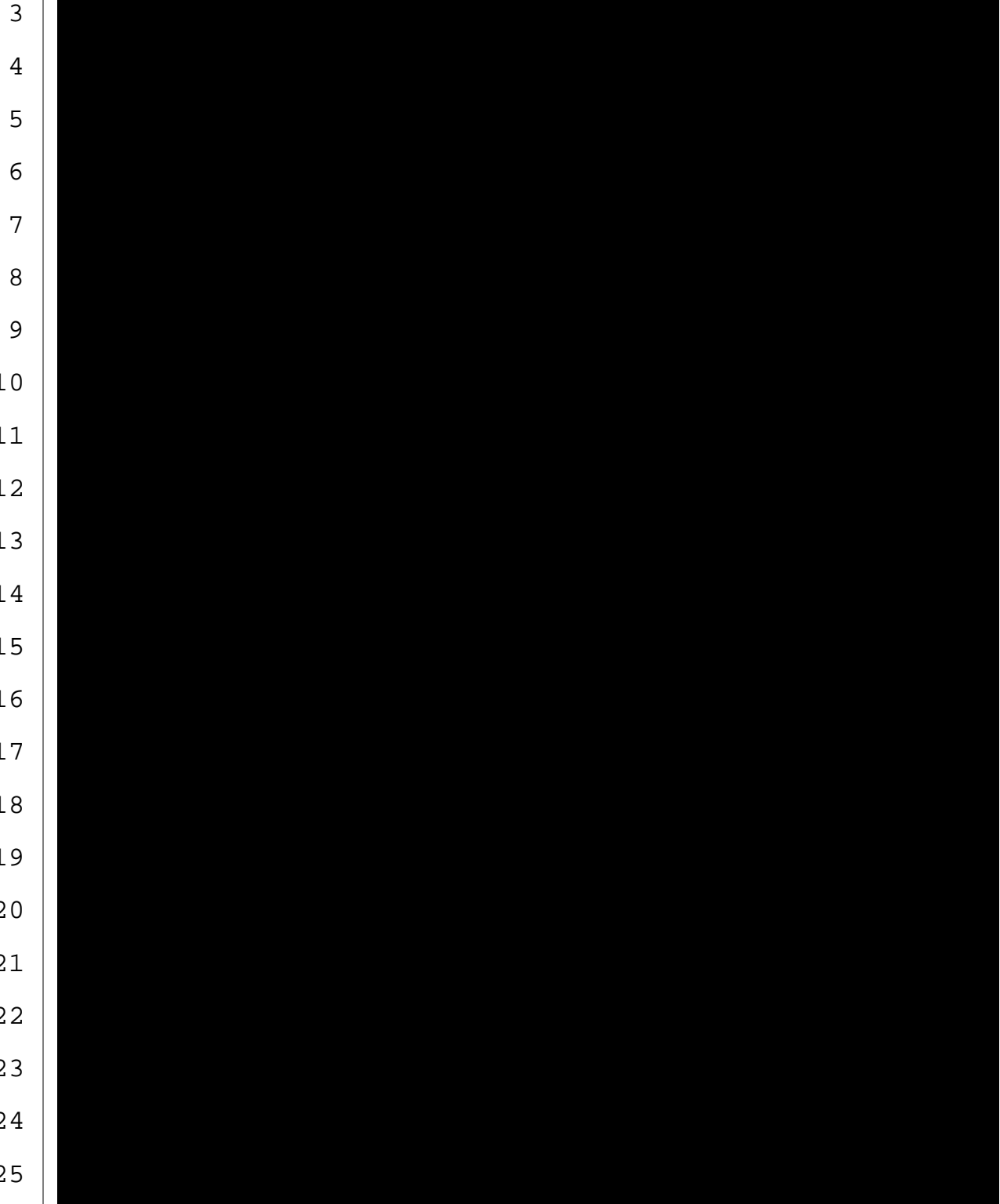
Page 68

Page 69

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 70

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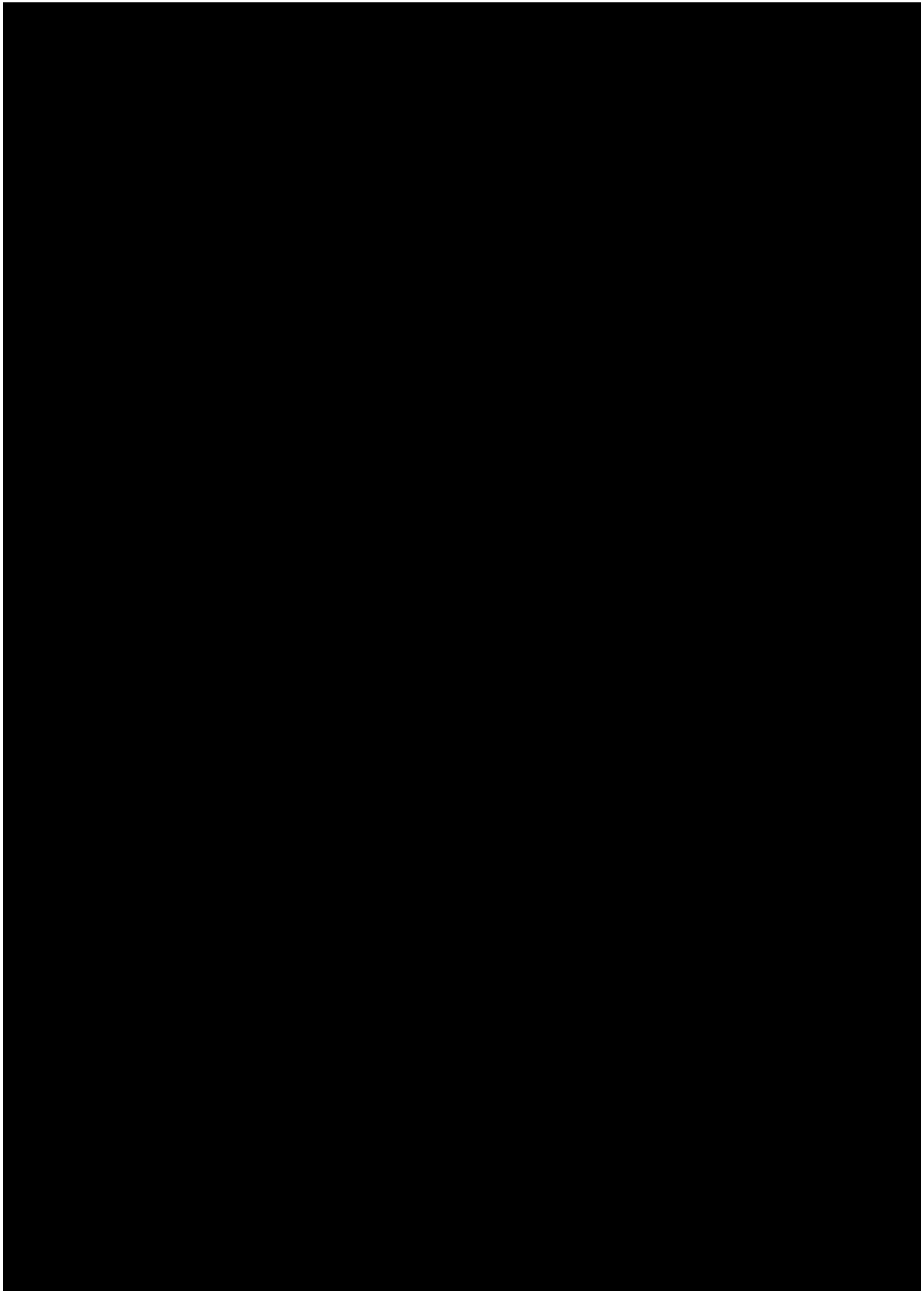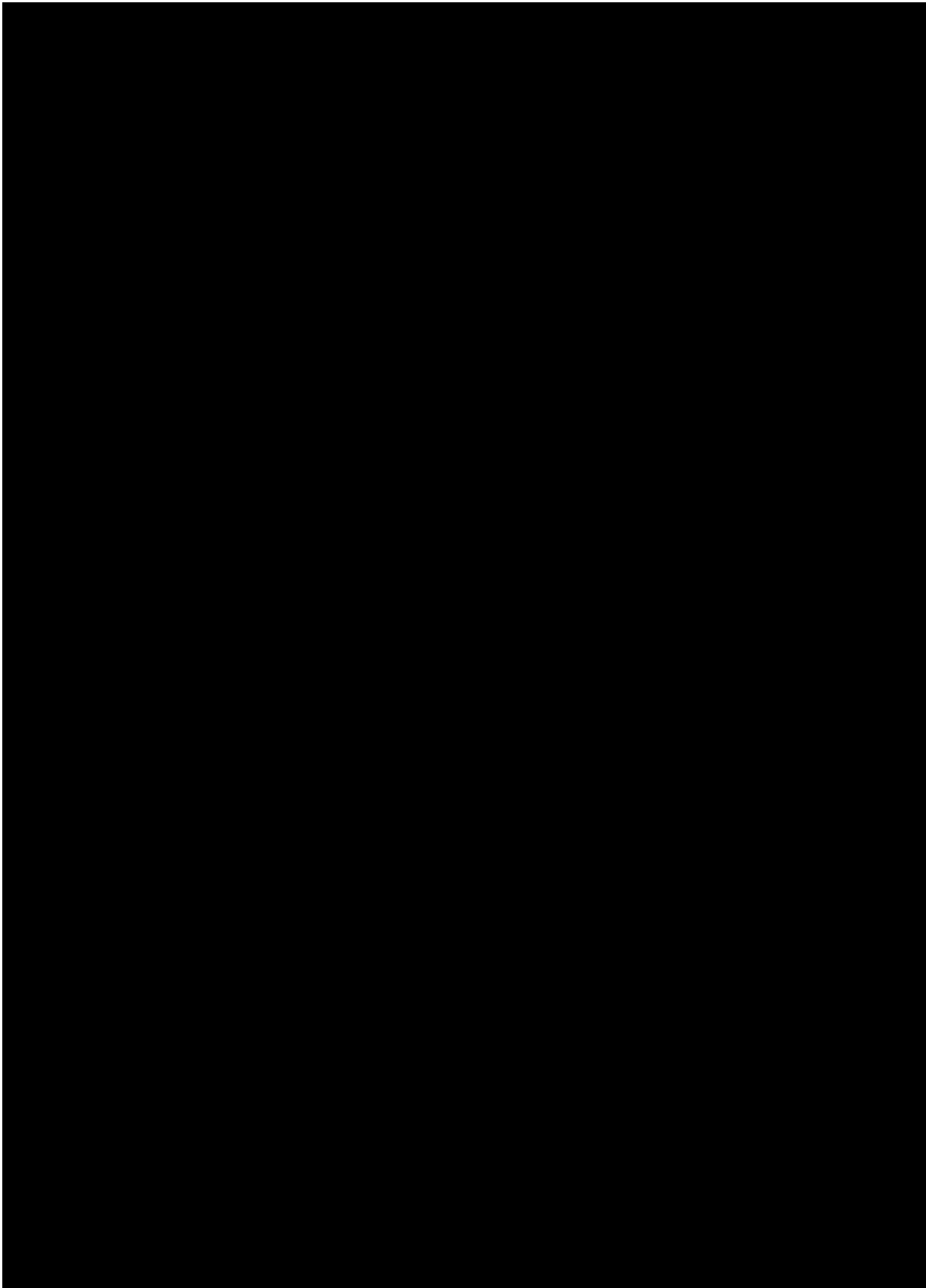
6   BY MR. LAVIN:

7   Q.   Okay.   What is the difference between a

8   professional and facility claim?

9   A.   Professional is a provider, and the facility

10   is a hospital, ancillary ASC.

11   Q.   So professional claim, have you also

12   referred to as a HCFA, H-C-F-A, claim?

13   A.   Yes.

14   Q.   So that would be a claim by an individual

15   professional; correct?

16   MR. KING: Note my objection.

17   You can answer.

18   THE WITNESS: Correct.

19   BY MR. LAVIN:

20   Q.   As a -- and then facility claim would be a

21   claim billed by, as the name suggests, the facility

22   as opposed to the individual professionals working

23   there.

24   So did Viant at one time utilize Ingenix

25   data?

Page 71

1   MR. KING: Note my objection. Foundation.

2   Outside the scope.

3   You can answer.

4   THE WITNESS: Not to my knowledge, but you'd

5   have to ask Sean Crandell that.

6   BY MR. LAVIN:

7   Q. Do you know if -- you said MultiPlan did use

8   Ingenix at one point to price professional claims?

9   MR. KING: Note my objection. I don't

10   think that was the testimony.

11   THE WITNESS: No. That's not what I said,

12   no.

13   BY MR. LAVIN:

14   Q. Okay. Well, then, what is -- you said

15   Ingenix U&C data was used to price professional

16   claims; correct?

17   MR. KING: But she didn't say it was done by

18   MultiPlan. She said that she understood Ingenix

19   U&C --

20   MR. LAVIN: Well, you can let her testify.

21   You can let her testify.

22   THE WITNESS: Yeah. No, I just said that

23   what I understood Ingenix was usual and customary for

24   provider data. I didn't say that we used it.

25   ///

Page 72

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 1   BY MR. LAVIN:

 2        Q.  Okay.  Okay.

 3            Do you know if Ingenix is still around?

 4        A.  I believe they're not around.

 5        Q.  What happened to Ingenix, if you know?

 6            MR. KING:  Objection.

 7            You can answer.

 8            THE WITNESS:  I know that there was an

 9   issue.  I don't remember how many years ago, and now

10   we've come up with Fair Health; right?

11   BY MR. LAVIN:

12        Q.  What is Fair Health?

13        A.  It's a -- it's the usual and customary data

14   base.

15        Q.  Are you aware if Ingenix changed its name to

16   Optum?

17        A.  Yes.

18            MR. KING:  Note my objection.

19            You can answer.

20            THE WITNESS:  Yes.

21   BY MR. LAVIN:

22        Q.  So is Ingenix a United product, if you know?

23        A.  I do not know.

24        Q.  Is Optum a United company, if you know?

25        A.  Yes.
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Page 73
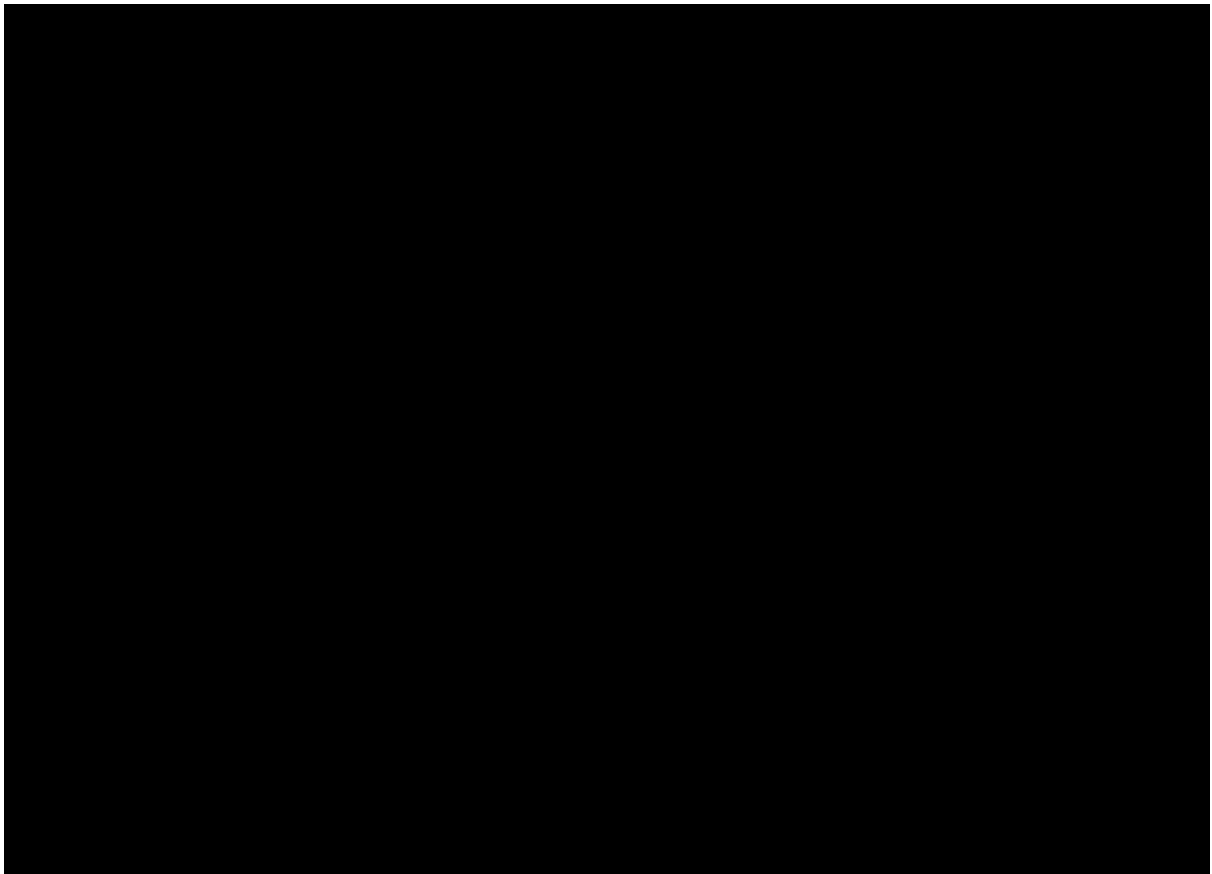
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14   BY MR. LAVIN:

15        Q.   In a given year.

16             And MultiPlan, I believe you testified, as

17   far as you know, has never undertaken any study to

18   determine how much of that data is for H0015;

19   correct?

20             MR. KING:   Objection.   Asked and answered.

21             You can answer.

22             THE WITNESS:   Yeah, I do not know.   You

23   would have to ask Sean Crandell.

24   BY MR. LAVIN:

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Page 74

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 75

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Page 76
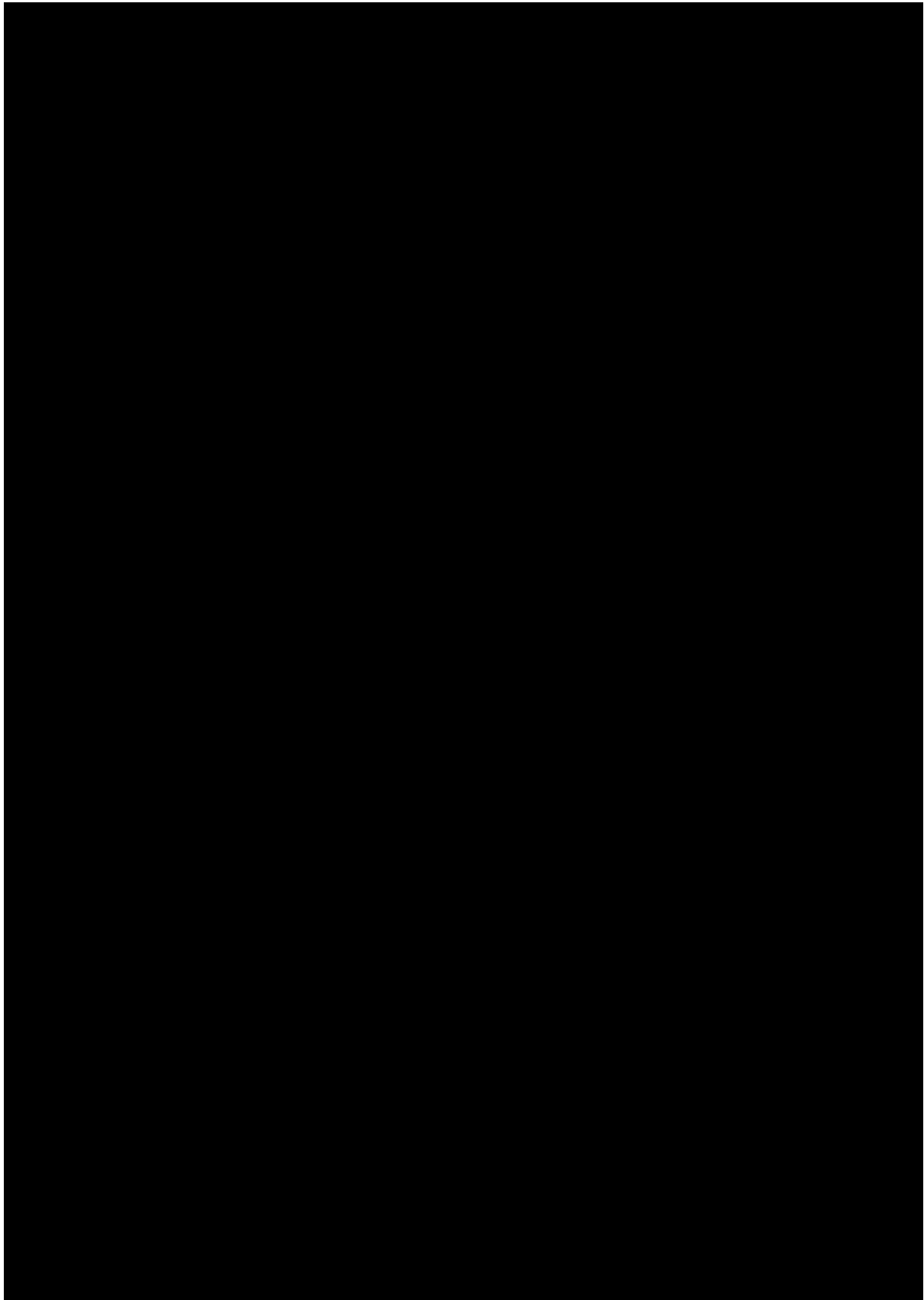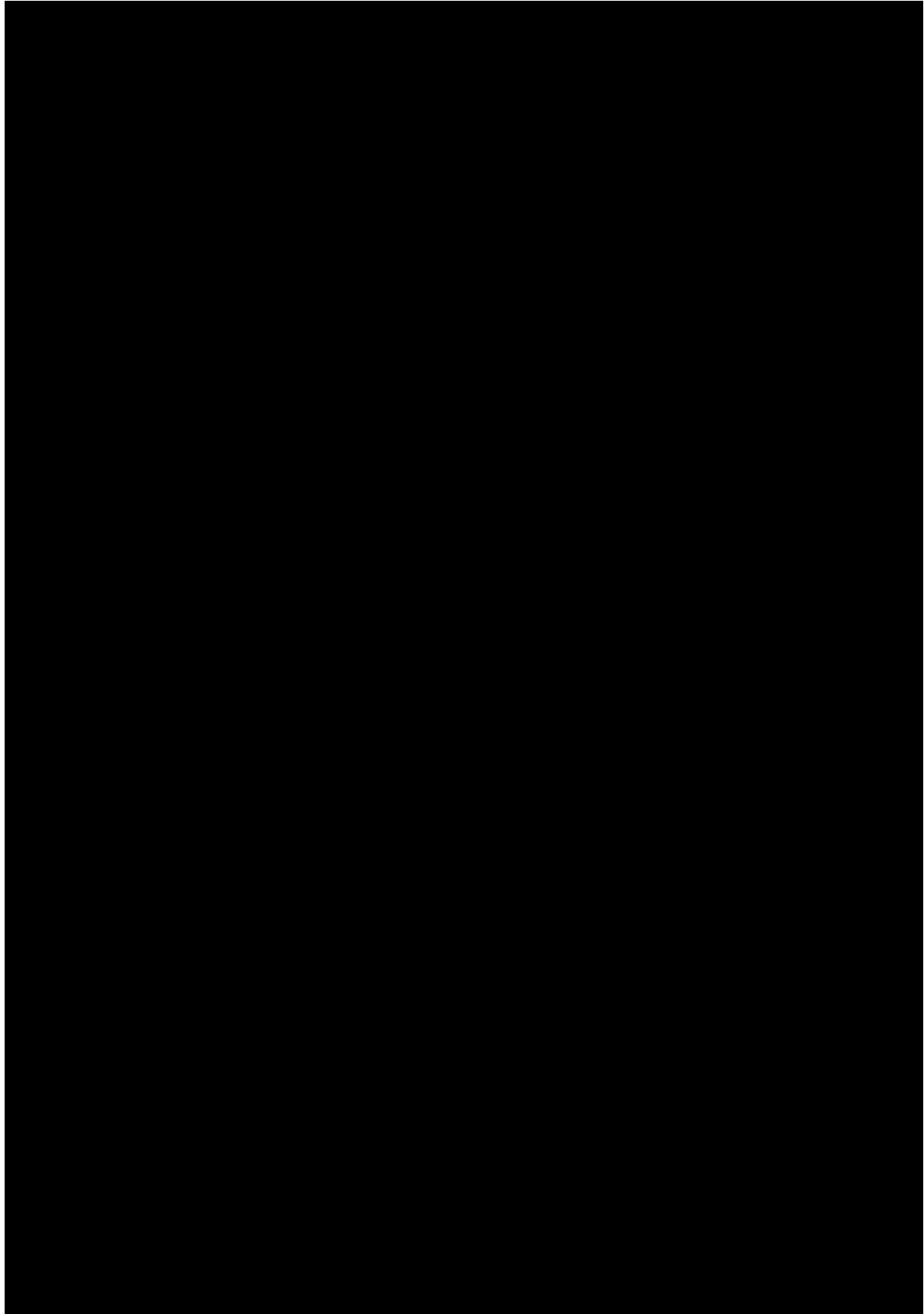
1   Do you know what a crosswalk is?

2   A.   I'm familiar with a crosswalk.

3   Q.   What is a crosswalk?

4   A.   A crosswalk is where we take a code that

5   does not have pricing and we crosswalk it to a code

6   that has pricing at a local level.

7   Q.   So when you say, "It doesn't have pricing,"

8   what do you mean?

9   MR. KING: Objection.

10   You can answer.

11   THE WITNESS: It doesn't have pricing

12   available.

13   BY MR. LAVIN:

14   Q.   So the standard analytical file does not

15   have data on it? Is that what you mean?

16   MR. KING: Note my objection. That's not

17   the testimony.

18   But you can answer.

19   THE WITNESS: I -- I don't know that level

20   of detail.

21   BY MR. LAVIN:

22   Q.   Okay. Well, I'm just asking you to explain

23   your -- I didn't understand your answer, to be

24   honest.

25   So when you said a claim doesn't have

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 77

1   pricing, I'm just -- can you give me an example of

2   how that works?

3   MR. KING: Note my objection. Not her

4   subject matter topic.

5   You can answer, if you can.

6   We're way outside the scope of what she's

7   designated for.

8   THE WITNESS: Yeah, I --

9   MR. LAVIN: She has been -- she has the

10   primary account manager for United on the Viant

11   product for 20-plus years.

12   MR. KING: I understand that.

13   MR. LAVIN: She has some familiarity with

14   it. I don't think she can disclaim all knowledge of

15   how Viant works after working with it for 20-plus

16   years.

17   MR. KING: Okay. A -- A, she's in sales.

18   She's not in Healthcare Economics or in operations.

19   Okay? That's A. B, she has not disclaimed all

20   knowledge of Viant. So that's unfair. She has given

21   testimony about Viant, but when you're getting down

22   into the methodology, and crosswalking is in the

23   methodology, then you're talking to the wrong person,

24   and you're wasting time.

25   MR. LAVIN: Well, and her answer to me was

Page 78

1   that when there is no price for something -- and I'm

2   trying to get clarity on what that is or ask for an

3   example.

4   MR. KING: But there is only so far she can

5   go, Matt. We've covered this already. I'm telling

6   you. Sean Crandell --

7   MR. LAVIN: Let her answer --

8   THE REPORTER: Counsel, please speak one at

9   a time.

10   BY MR. LAVIN:

11   Q. So there is no price. Does that mean that

12   Viant does not have a price or the underlying data

13   does not have a price?

14   A. I can't answer that.

15   MR. KING: Same objection.

16   BY MR. LAVIN:

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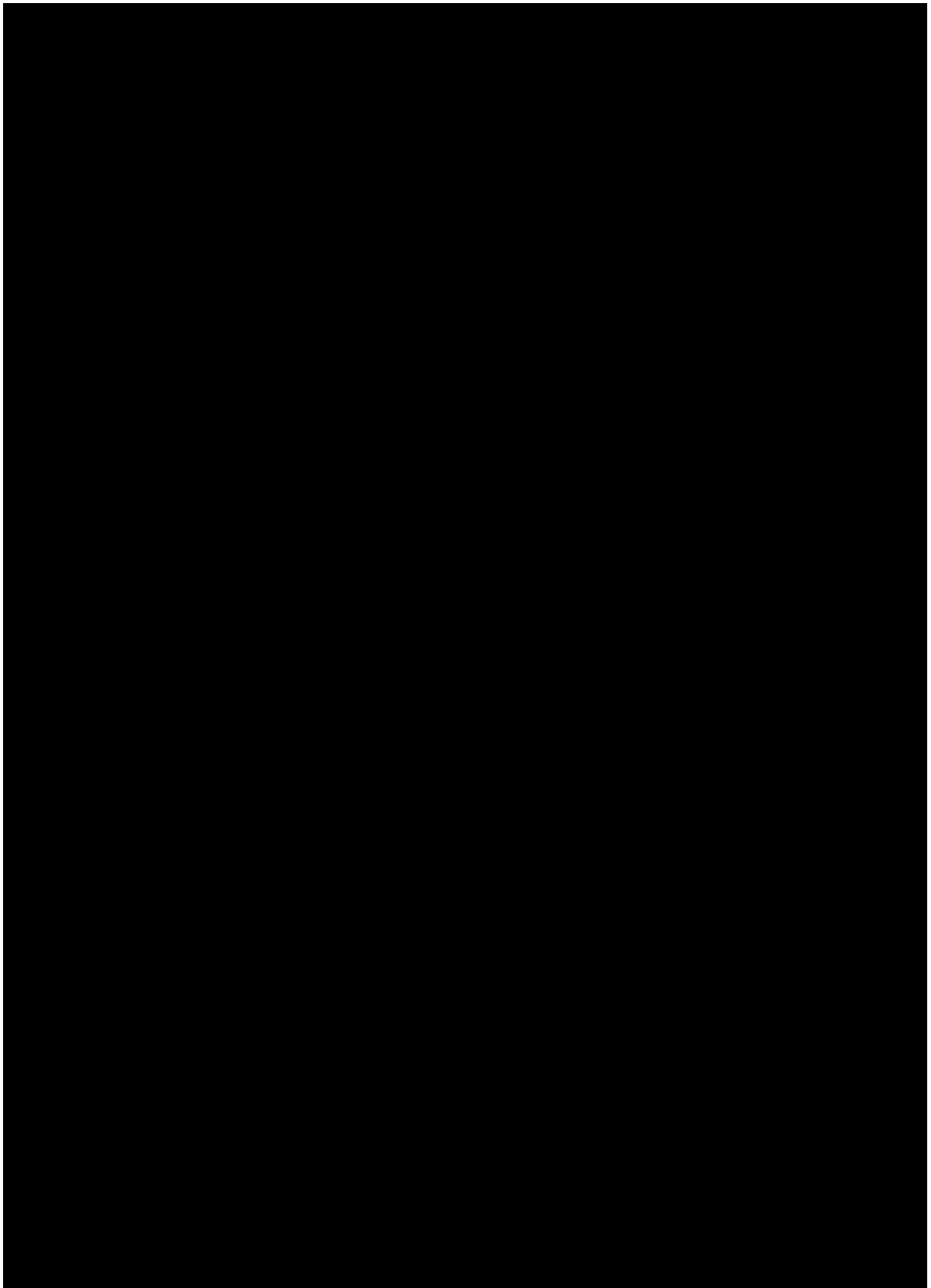18
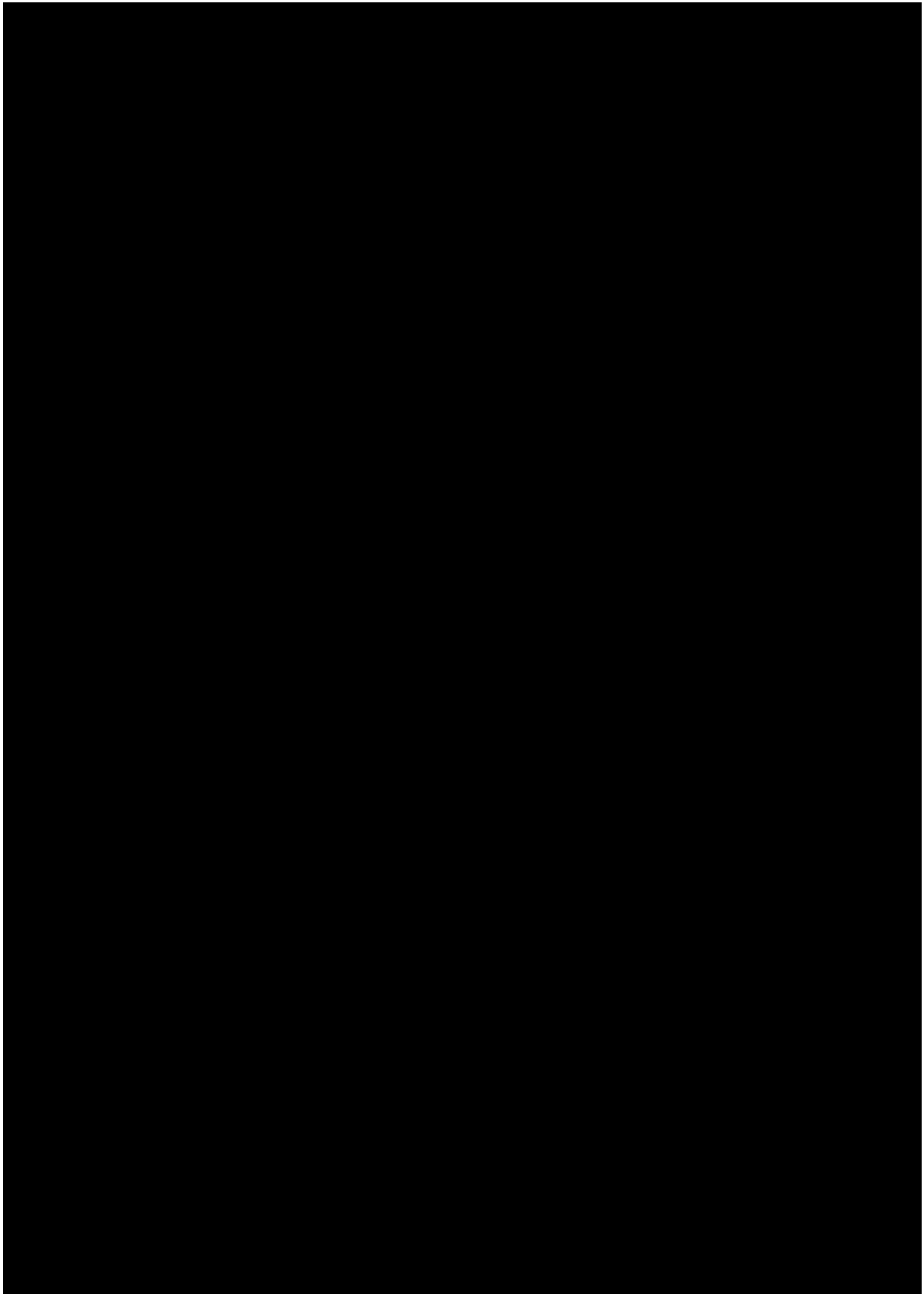
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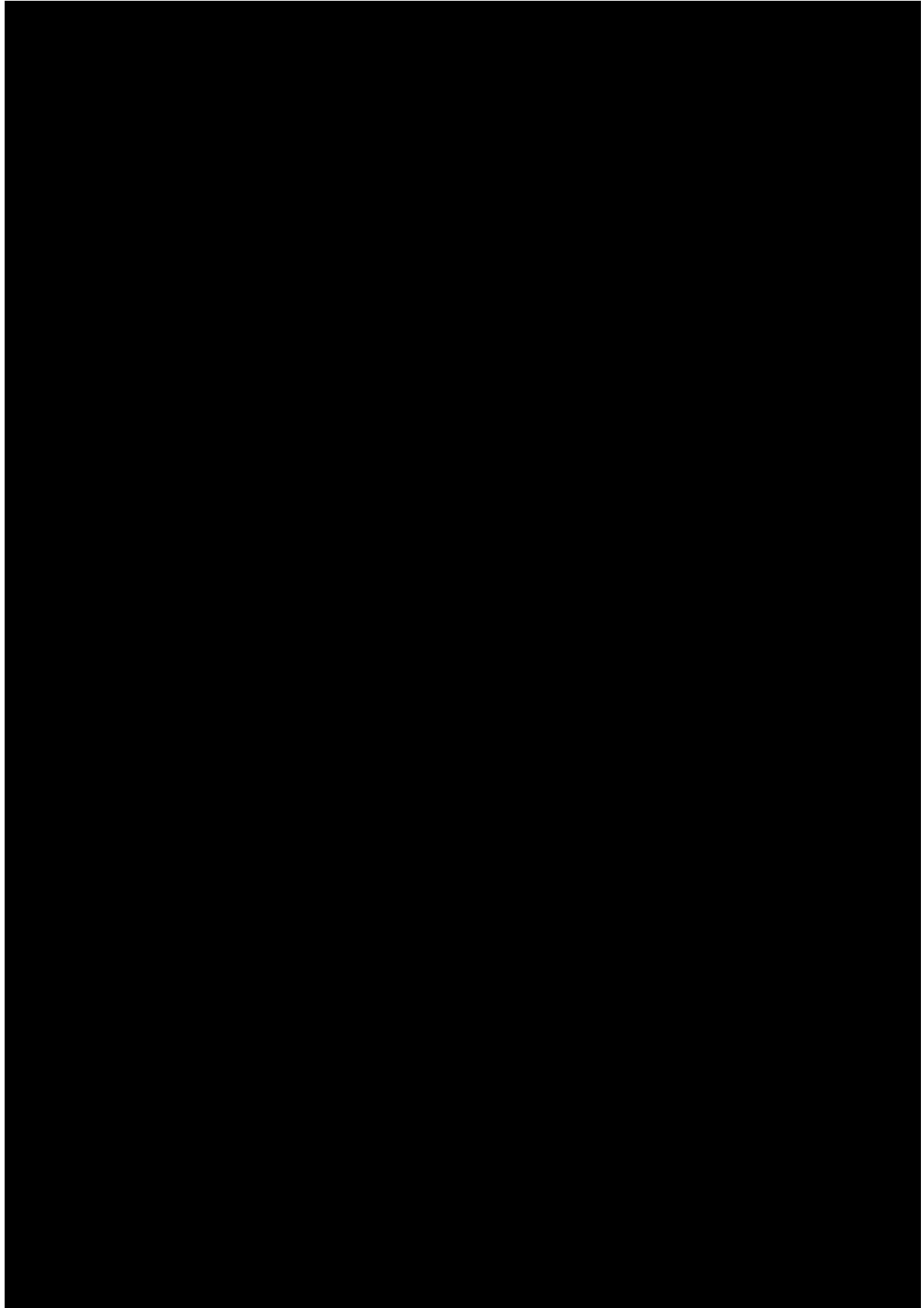
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Page 80

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 81
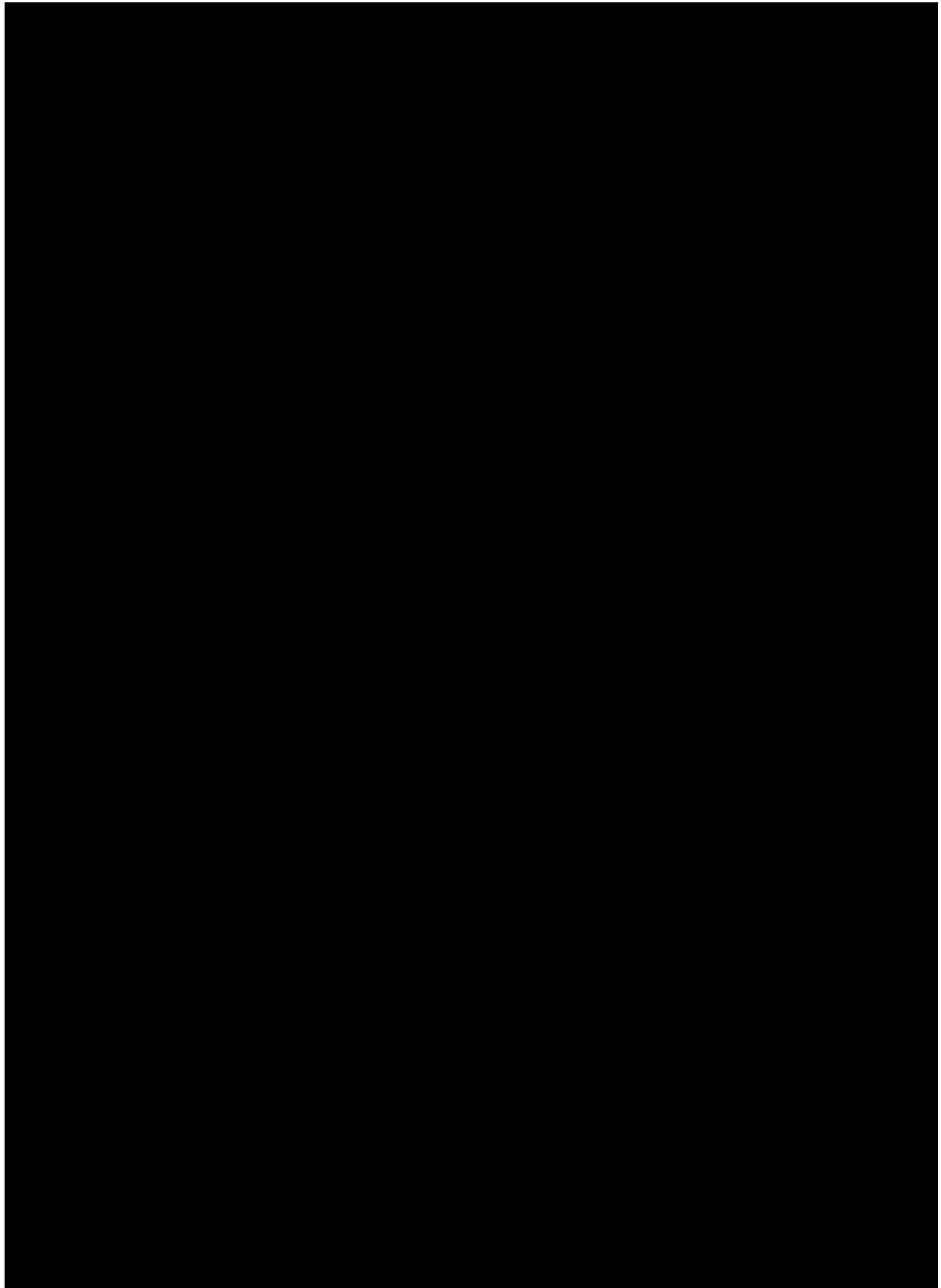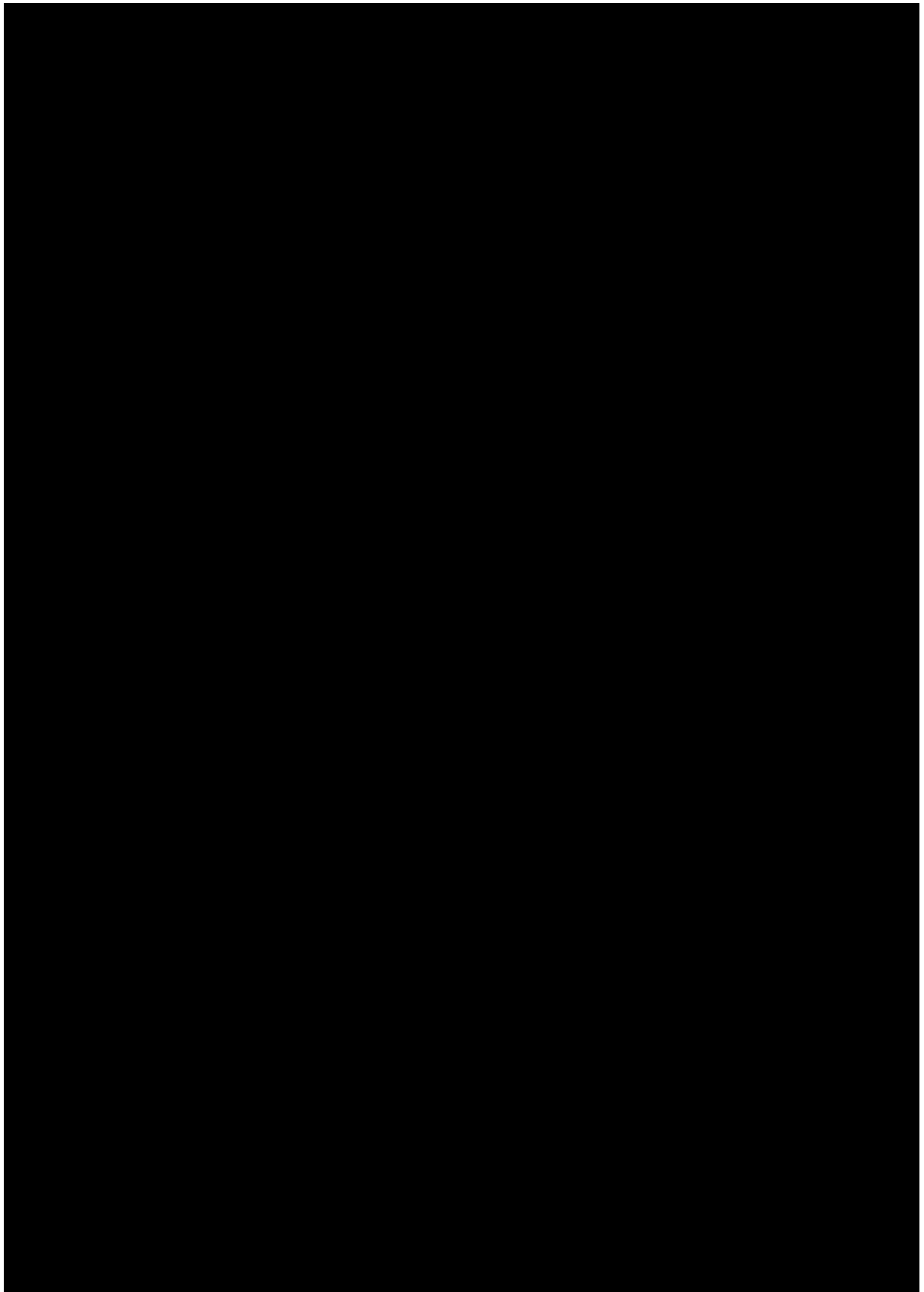
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Page 82

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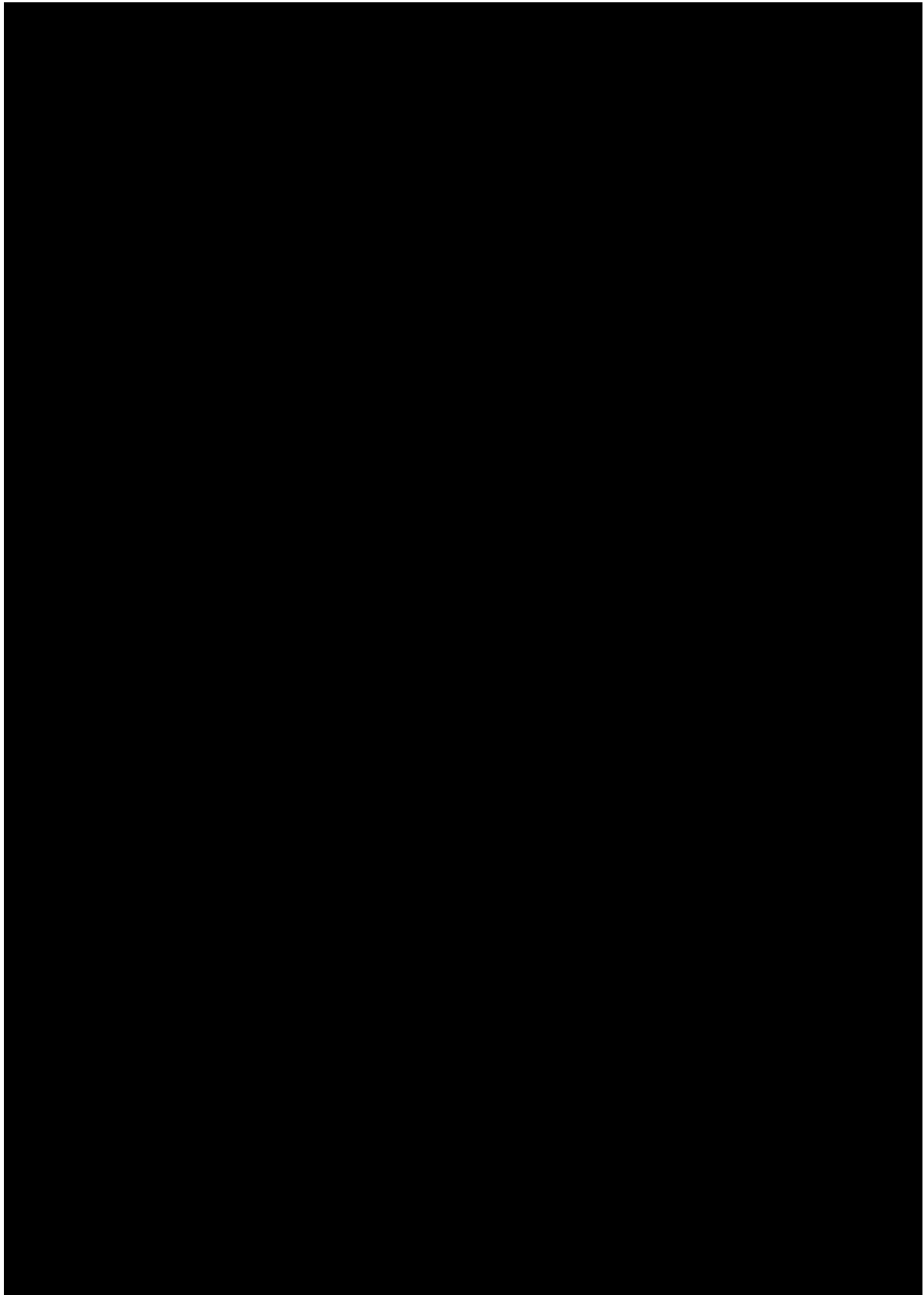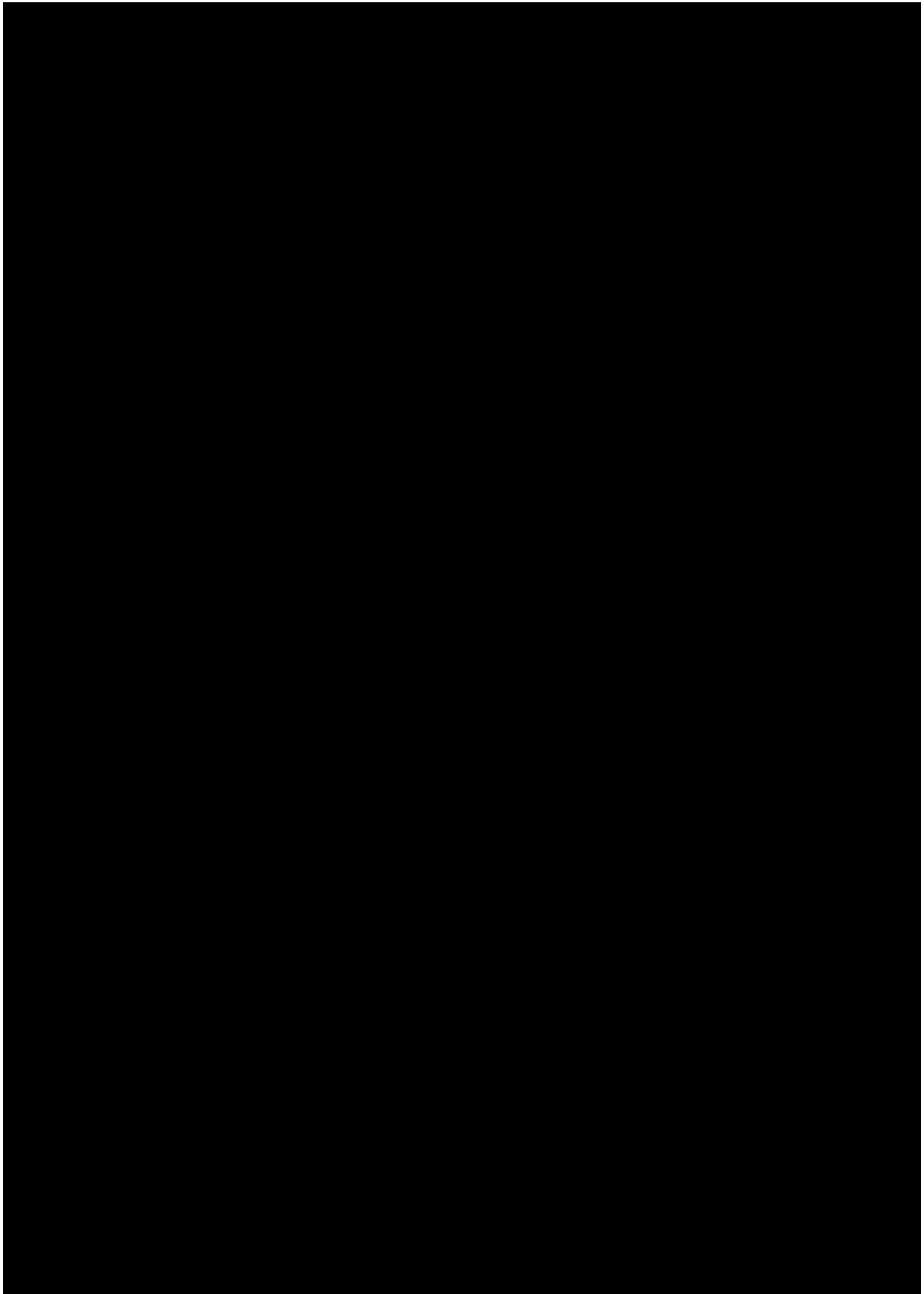
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23   Q.   Okay.

24   Let's go to the next exhibit, Exhibit 8,

25   which is the next tab.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 83

1   (Exhibit 8 was identified.)

2   BY MR. LAVIN:

3   Q.   You know, while you're looking at that, you

4   know, one question about that previous document.

5   ██

6   ██

7   ██

8   ██

9   ██

10   ██

11   ██

12   ██

13   Q.   Let's look at this next document. So this

14   is exhibit -- Exhibit 8 bears Bates Numbers MPI-501

15   through MPI-542. I'm really just going to direct

16   your attention -- we can skip over a lot of the Data

17   iSight. We've covered that at other times.

18   Let's talk about MPI-528. So it's about

19   halfway through. I'm referring to the Bates number

20   on the lower right-hand corner.

21   A.   Hold on. I lost it.

22   Q.   Sure.

23   A.   I lost it. I lost the exhibit.

24   MR. KING: Go back and refresh.

25   THE WITNESS: No, I lost it completely. I

Page 84

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 1    have to go back in.
 2              MR. KING:  Did you get knocked out?
 3              THE WITNESS:  I got knocked out of
 4    Exhibit --
 5              MR. KING:  Matt, can we pause for a second?
 6    She's out of Exhibit Share.  She's got to get back
 7    in.
 8              MR. LAVIN:  Sure.  Let's go off the record
 9    for a minute.
10              THE VIDEOGRAPHER:  This is the end of Media
11    Number 1.  Going off the record.  The time is 9:30.
12              (Recess taken.)
13              THE VIDEOGRAPHER:  We are back on the
14    record.  The time is 9:46 Pacific Time.  The time
15    date stamp on the screen has been and will be
16    representing Pacific Time and not Mountain Time.
17    Thank you.
18    BY MR. LAVIN:
19        Q.  Ms. Kienzle, have you had a chance to review
20    Exhibit 8?
21        A.  No.  Let me look at it.
22        Q.  Okay.  So I will tell you, though, other
23    than the first page, the title page, we're probably
24    going to jump ahead to the page that's Bates stamped
25    MPI-528.
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Page 85

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 1        A.   Okay.

 2        Q.   So you don't have to look at the whole

 3   thing.

 4        A.   Okay.

 5        Q.   Do you recognize this document?

 6        A.   At a high level.
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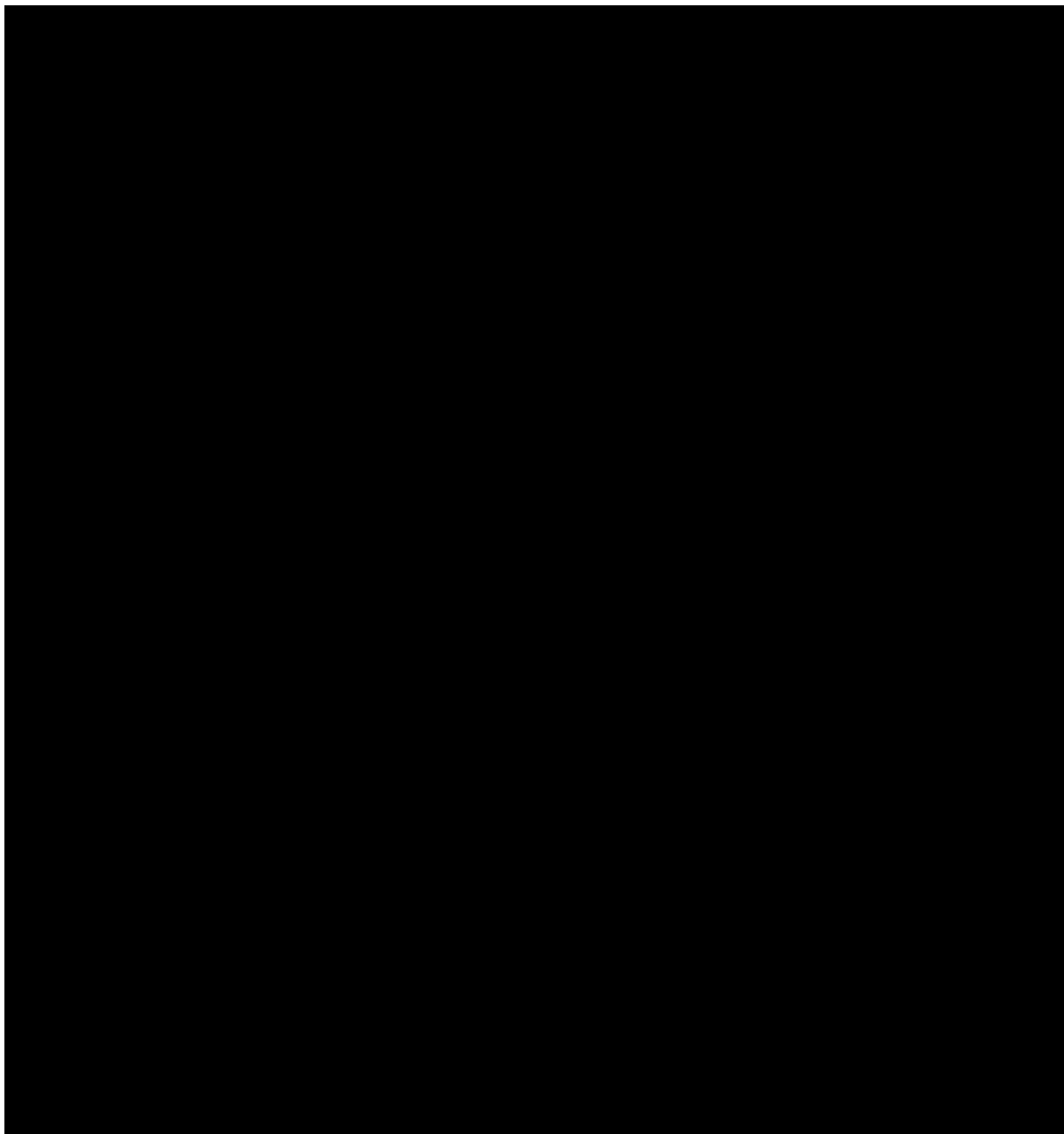
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 86

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp
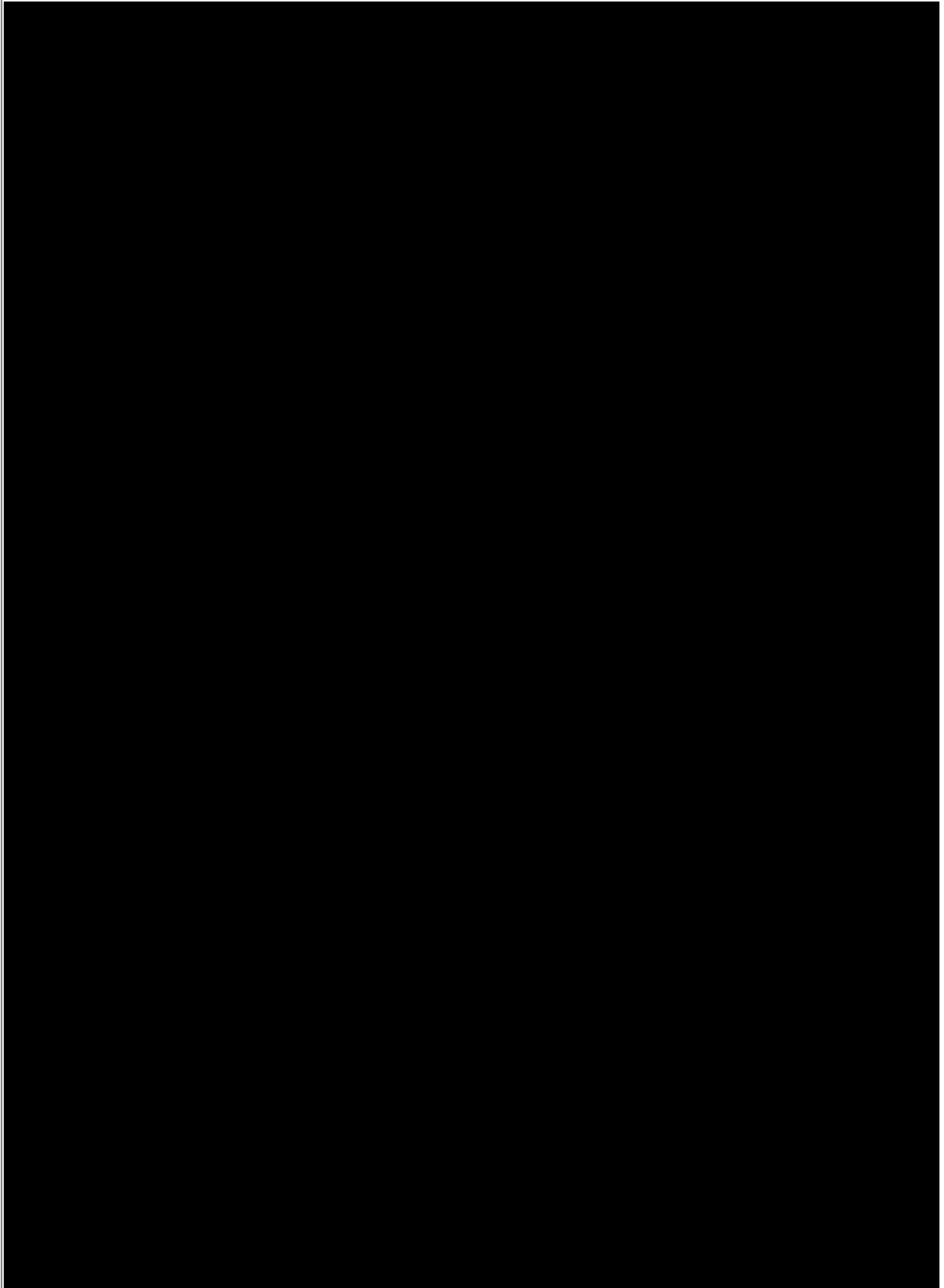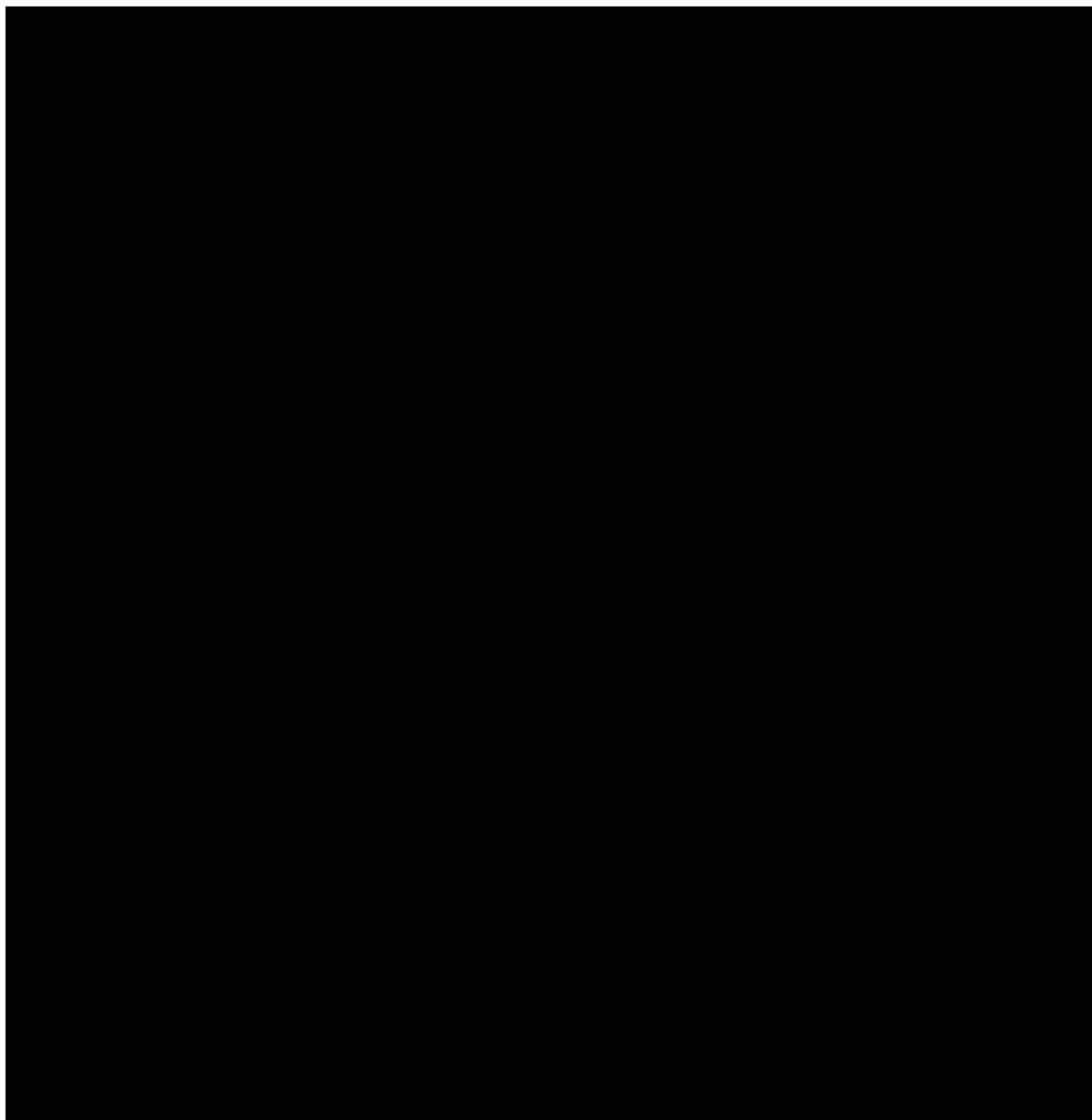
Page 87

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 89

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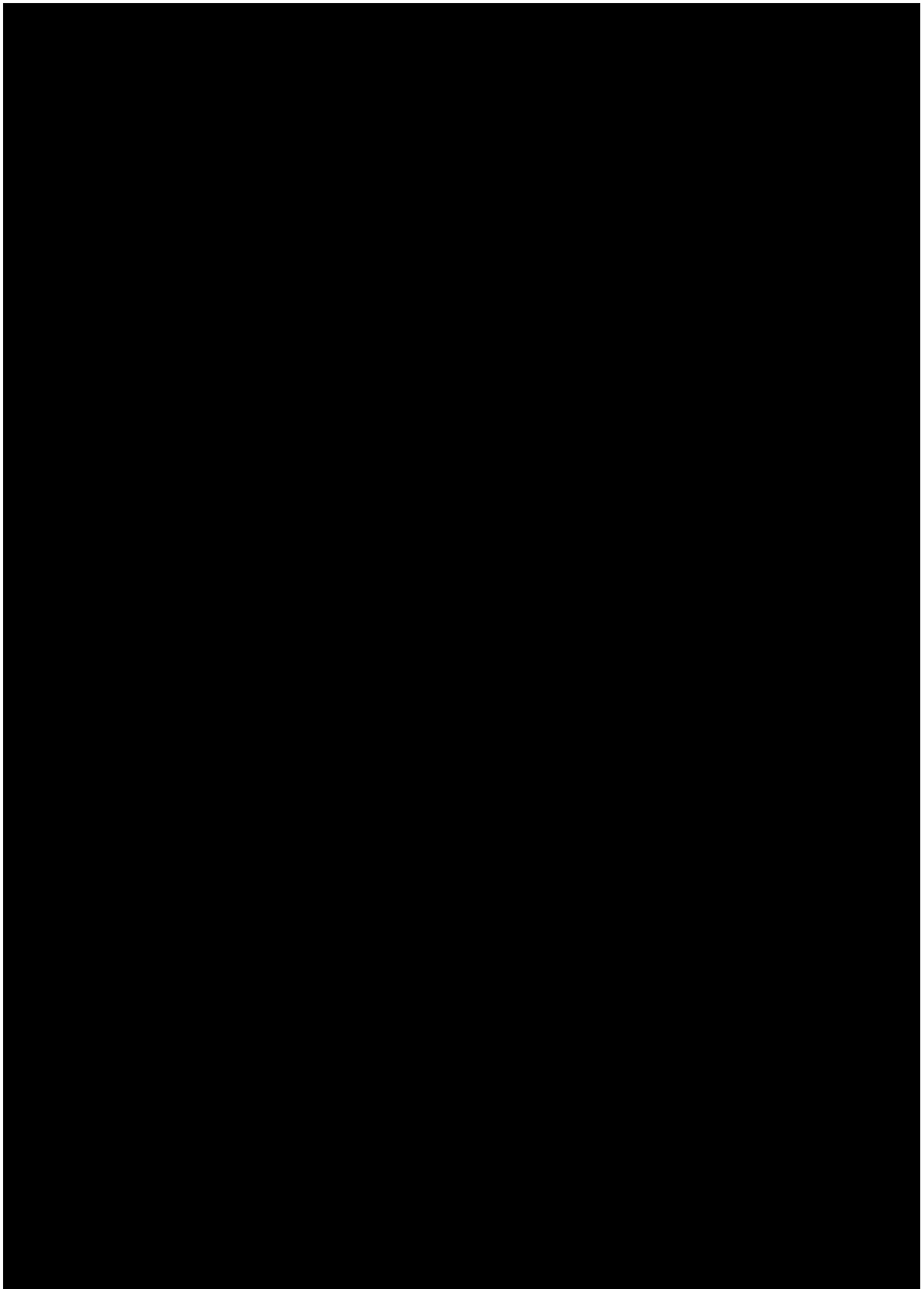
5   Q.   I'm going to represent to you the claims at

6   issue in this case are H0015, we've kind of looked

7   for some stuff about those claims.

8   Would those fall under hospital outpatient?

9   MR. KING: Note my objection.

10   You can answer.

11   THE WITNESS: I -- I'm -- if it's in an

12   hospital facility, then I would say it's outpatient.

13   BY MR. LAVIN:

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21   I'm curious, what other, based on your

22   experience of 20-some-odd years with Viant, what

23   other types of claims, besides what's indicated here,

24   you know, fall under hospital outpatient? There is

25   behavioral health claims, H0015.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 90

1   Is there anything else?

2   A.   There is acute care, I believe.

3   Q.   Okay. And this is not a trick question.

4 I'm just really trying to understand it better.

5   MR. KING: I'm going to object, Matt, to

6 something you said three questions ago that this was

7 something that was for United, as I don't see any

8 reference to United in this document at all. And if

9 there is, then I stand corrected, but I don't see it.

10   MR. LAVIN: Well, that's a good point. I'll

11 take that.

12 BY MR. LAVIN:

13   Q.   So would this be all MultiPlan clients?

14   MR. KING: Note my objection.

15   You can answer.

16   THE WITNESS: Because I don't know the

17 audience or who created this report and what they

18 used it for, I can't tell -- I can't answer that

19 question.

20 BY MR. LAVIN:

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Page 91

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 92

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 93

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15   BY MR. LAVIN:

16   Q. Okay.

17   I'm going to say it's 100 percent relevant.

18   A lot of the providers whose claims are at issue in

19   this case have contracts with MultiPlan.

20   MR. KING: Really?

21   MR. LAVIN: Really.

22   MR. KING: You mean the sort of -- you mean

23   a class, the class, or you're talking about the five

24   plaintiffs?

25   MR. LAVIN: Providers who submitted claims

Page 94

1   in the class, a lot of them have contracts with

2   MultiPlan.

3   MR. KING: But the class hasn't been

4   certified, Matt.

5   MR. LAVIN: It's a punitive class, and we're

6   taking class discovery right now; so it's absolutely

7   relevant.

8   BY MR. LAVIN:

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Page 95

 1   BY MR. LAVIN:

 2   Q.   Okay. As a general matter, does MultiPlan

 3   earn revenue based on savings attained?

 4   A.   Yes.

 5   Q.   So the more savings, the more revenue;

 6   correct?

 7   A.   Yes.

 8   Q.   Let us go to the next exhibit.

 9   (Exhibit 10 was identified.)

10   BY MR. LAVIN:

11   Q.   The next exhibit bears Bates numbers --

12   Exhibit -- I'm waiting for Exhibit 10.

13   A.   Okay.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 96

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 97

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19   Q.   Okay.   In preparing for your deposition

20 today, you said you reviewed a lot of documents over

21 seven hours.

22   Did you specifically prepare or review

23 documents with relation to HCPCS H0015?

24   A.   No.

25   Q.   You did not.

Page 98

1   A.   No.

2   Q.   Okay. So you can't tell me if you're aware

3   of any instance where claims bearing HCPCS H0015 have

4   defaulted to billed charge because there was not

5   enough underlying data in the dataset to support it?

6   MR. KING: Same objection.

7   You can answer.

8   THE WITNESS: No.

9   BY MR. LAVIN:

10   Q.   Okay. Let's go to the next exhibit, which

11   is Exhibit 11.

12   And let me ask you one more question about

13   Exhibit 10.

14   Exhibit 10, the White Paper June 2016, was

15   that transmitted to United?

16   A.   I believe it would have been.

17   Q.   Okay. And you were available to answer any

18   questions about it?

19   A.   Yes.

20   Q.   Okay. Do you remember if they had any about

21   the June 2016 White Paper?

22   A.   I don't recall.

23   Q.   Okay. So let's go -- move to Exhibit 11.

24   (Exhibit 11 was identified.)

25   ///

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 99

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 1    BY MR. LAVIN:

 2        Q.   Exhibit 11 bears Bates Numbers MPI-7359

 3    through MPI-7361.

 4        A.   Okay.

 5        Q.   Can you take a second to review this

 6    document?

 7        A.   Okay.

 8        Q.   And this is a document -- have you ever seen

 9    this document before?

10        A.   I have not.  I don't believe I was on this.

11        Q.   Okay.  It's dated --

12        A.   Oh, I guess I was on it.  So it's been a

13    while.

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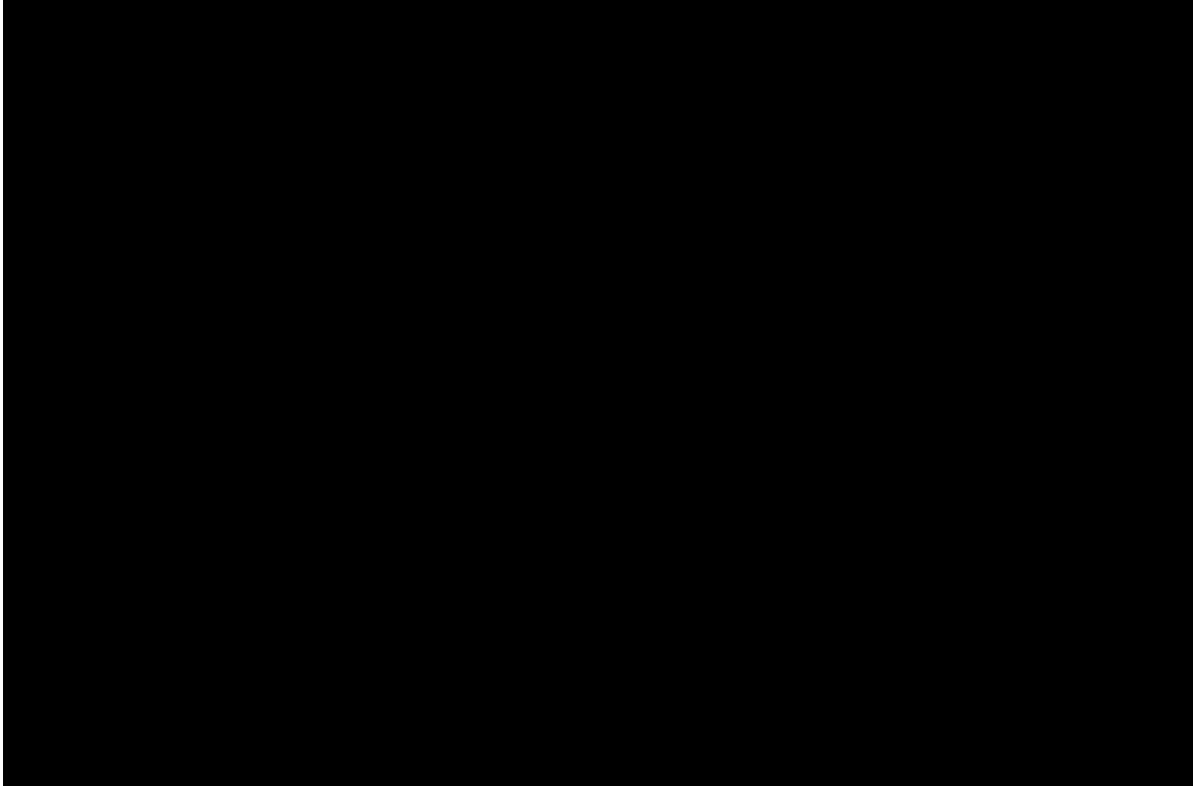
Page 100

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3   Q.   Okay.   It says, "Tom Ralston," that email

4   there.

5   Who is Tom Ralston?

6   A.   He was within the, I believe, HCE

7   department --

8   Q.   Okay.

9   A.   -- that oversaw the product.

10   Q.   Was he responsible for programming changes

11   to Viant OPR?

12   MR. KING: Note my objection.

13   You can answer.

14   THE WITNESS: I don't know if he was doing

15   the programming; so I can't answer that question.   We

16   do have IT folks.   So I don't know what his role is

17   on that.

18   BY MR. LAVIN:

19   Q.   Do you know if he oversaw the IT folks?

20   MR. KING: Same objection.   Foundation.

21   You can answer.

22   THE WITNESS: I don't believe he had

23   oversight of IT.

24   BY MR. LAVIN:

25   Q.   Is he somebody you communicated with?

Page 101

1   A.   Me personally?

2   Q.   You personally.

3   A.   Rarely.

4   Q.   And he's no longer at MultiPlan?

5   A.   Correct.

6   Q.   Do you know when he left MultiPlan?

7   A.   I couldn't tell you the date.

8   Q.   Did he have a lot of knowledge about the

9   Viant pricing solution?

10   A.   I'm assuming he did, but I can't answer for

11   him.

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Page 102

14   BY MR. LAVIN:

15   Q.   Does MultiPlan ever compare OPR pricing to

16   Fair Health?

17   A.   No.

18   MR. KING: Objection.

19   You can answer.

20   THE WITNESS: No.

21   BY MR. LAVIN:

22   Q.   Have you ever been included on any emails

23   comparing Viant OPR pricing to Fair Health?

24   A.   I could have been.

25   Q.   Do you remember what the -- you know, what

Page 103

1   the result of that analysis was?

2   A. No.

3   MR. KING: And I'm sorry. I was late on

4   that objection to the form of the question. Nobody

5   said there was an analysis, but she answered it

6   so....

7   BY MR. LAVIN:

8   Q. Okay. The -- does MultiPlan have access to

9   Fair Health data?

10   A. I do not know that.

11   Q. Does MultiPlan, if you know, ever use Fair

12   Health data to price claims for UnitedHealthcare?

13   MR. KING: Note my objection.

14   You can answer.

15   THE WITNESS: No.

16   BY MR. LAVIN:

17   Q. All right. Do you know --

18   MR. KING: And, Matt, Matt, I objected too

19   quickly. You added UnitedHealthcare to that end of

20   your last question; so I withdraw my objection.

21   BY MR. LAVIN:

22   Q. Do you know who would be able to answer

23   questions about this document? Do you know if Sean

24   Crandell would?

25   MR. KING: Same objection. I mean,

Page 104

1   foundation.

2   But you can answer.

3   THE WITNESS: You could ask him.

4   BY MR. LAVIN:

5   Q.   Okay. Let's go to the next exhibit, which

6   is Exhibit 12. Or, no, Exhibit 11. Is that right?

7   Which one are we on?

8   MR. KING: Twelve.

9   (Exhibit 12 was identified.)

10 BY MR. LAVIN:

11   Q.   Exhibit 12 bears Bates Numbers MPI-3678

12 through 3679, but there is a native document

13 attachment to it.

14   A.   Okay.

15   Q.   All right. Now, I notice that you are not

16 on this document, Ms. Kienzle, but you've been

17 designated as somebody to testify to MultiPlan's

18 marketing to United of Viant and the other programs.

19   Do you recognize what this document is

20 discussing?

21   A.   Yes.

22   Q.   And what is it discussing?

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Page 105

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 106
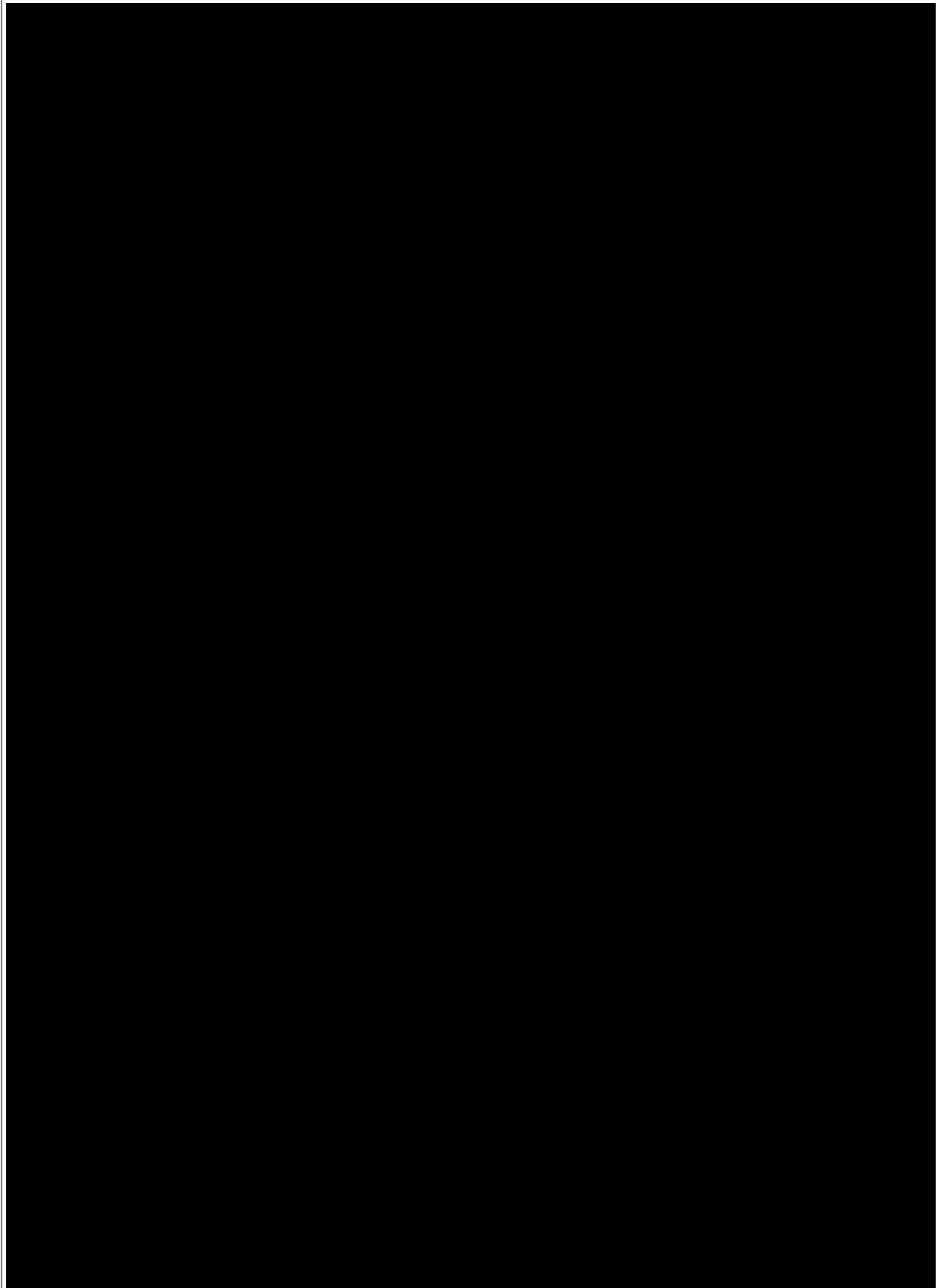
19   Q.   Okay.   What's a COC?

20   A.   Certificate of coverage.

21   Q.   There is a lot of different terms.   Just

22   kind of for ease of reference, it says here at one

23   point, "VIANT Facility R&C," and then "Viant Facility

24   U&C."

25   Is there a difference between those two

Page 107

1   terms?

2   A.   There's -- no.   They're recommended -- U&C

3   is usual and customary.   R&C is reasonable and

4   customary.

5   Q.   Is it -- I mean --

6   A.   It's -- no.   United calls Viant's U&C

7   programs Facility R&C, and so that's why you see R&C.

8   MultiPlan --

9   Q.   What --

10   A.   -- calls it usual and customary.

11   MR. KING: Yeah, y'all -- y'all need to quit

12   talking over each other.

13   Were you finished?   Okay.

14   BY MR. LAVIN:

15   Q.   Yeah, I'm sorry.   I wasn't sure if you

16   were -- does -- how do you refer to that program

17   yourself?

18   A.   I refer to it either Facility R&C or Viant

19   U&C.

20   Q.   Okay.   Is it the same as Viant OPR/IPR?

21   A.   Yes.

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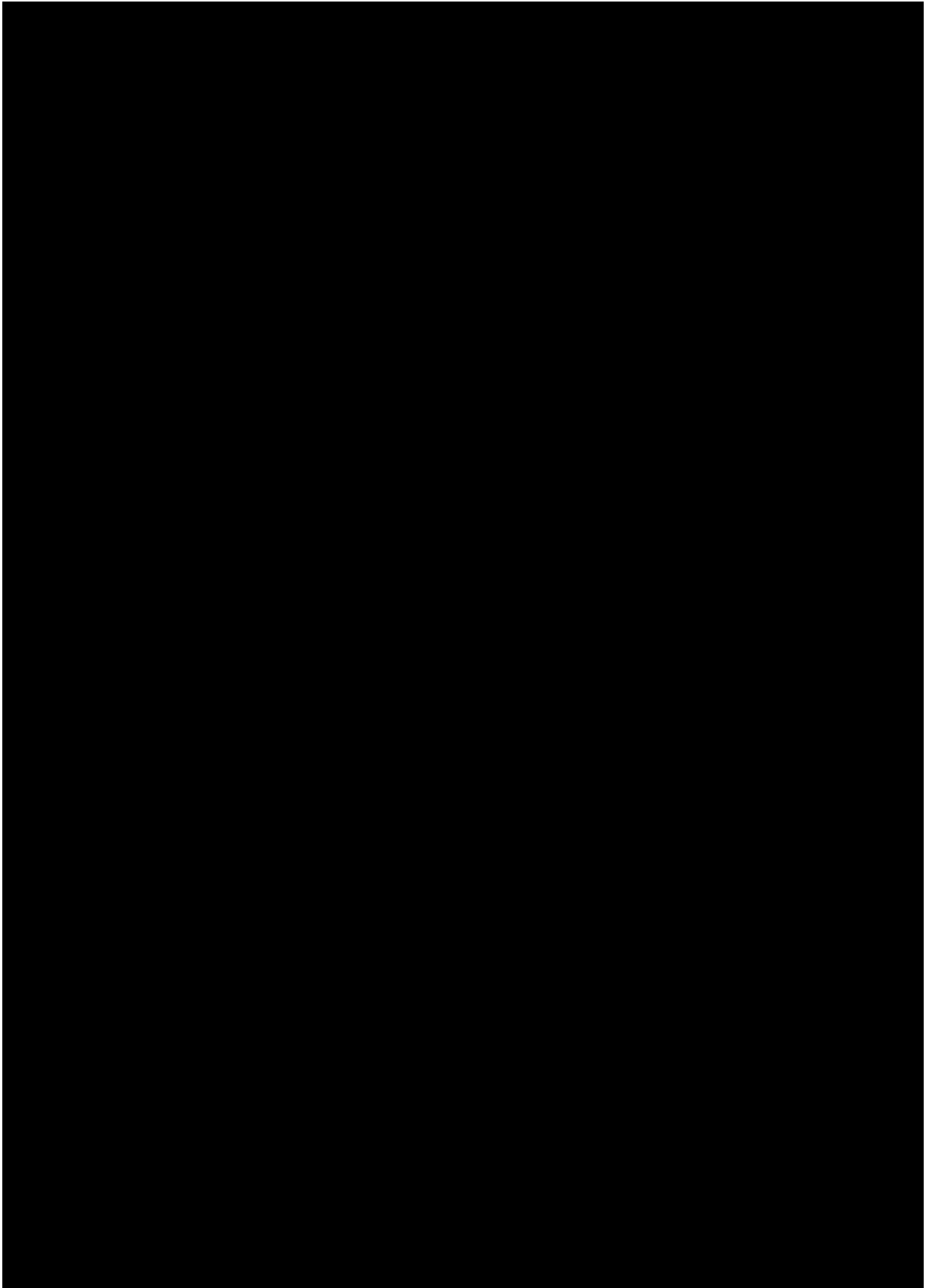
Page 108

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 109

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 110

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 111
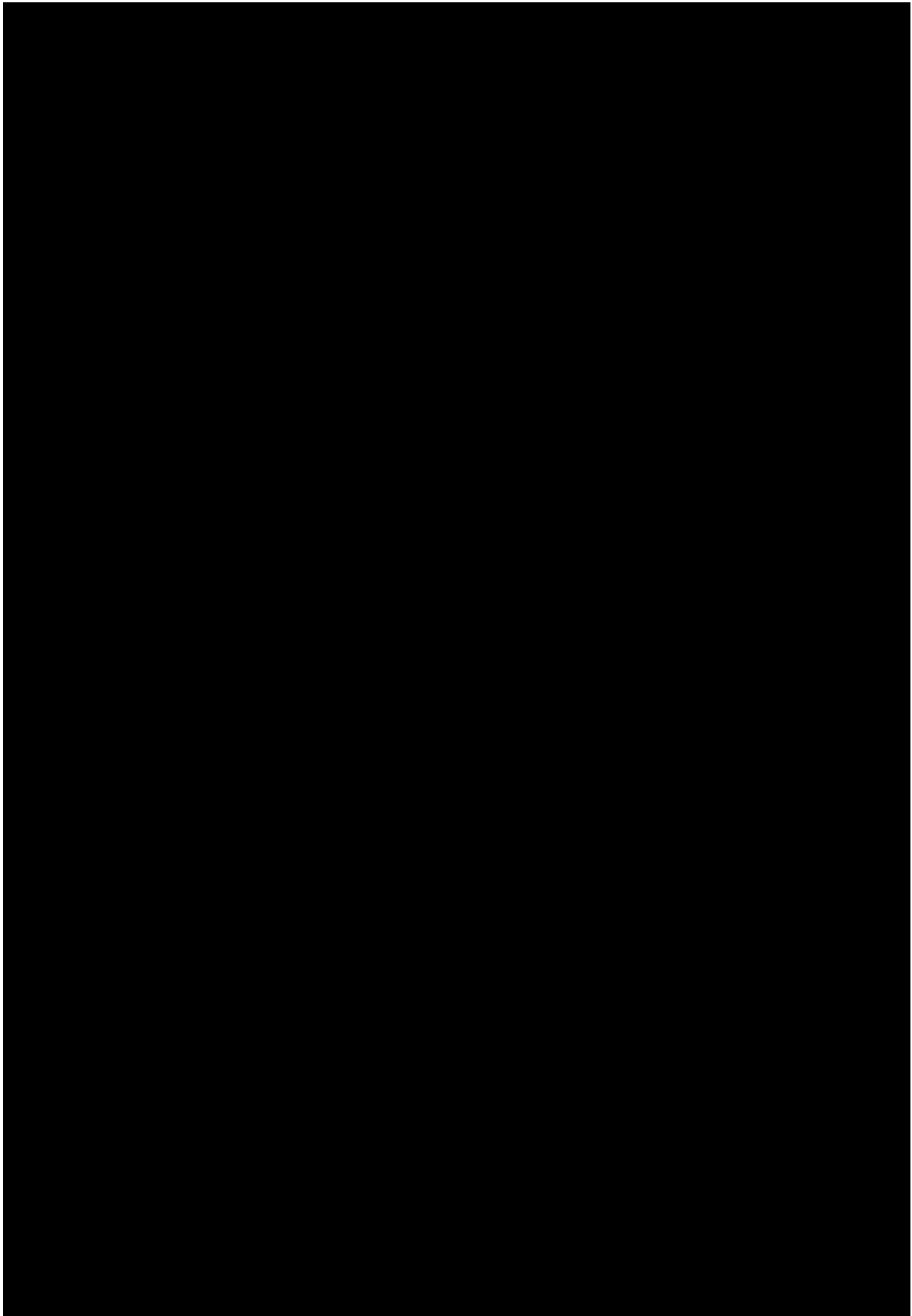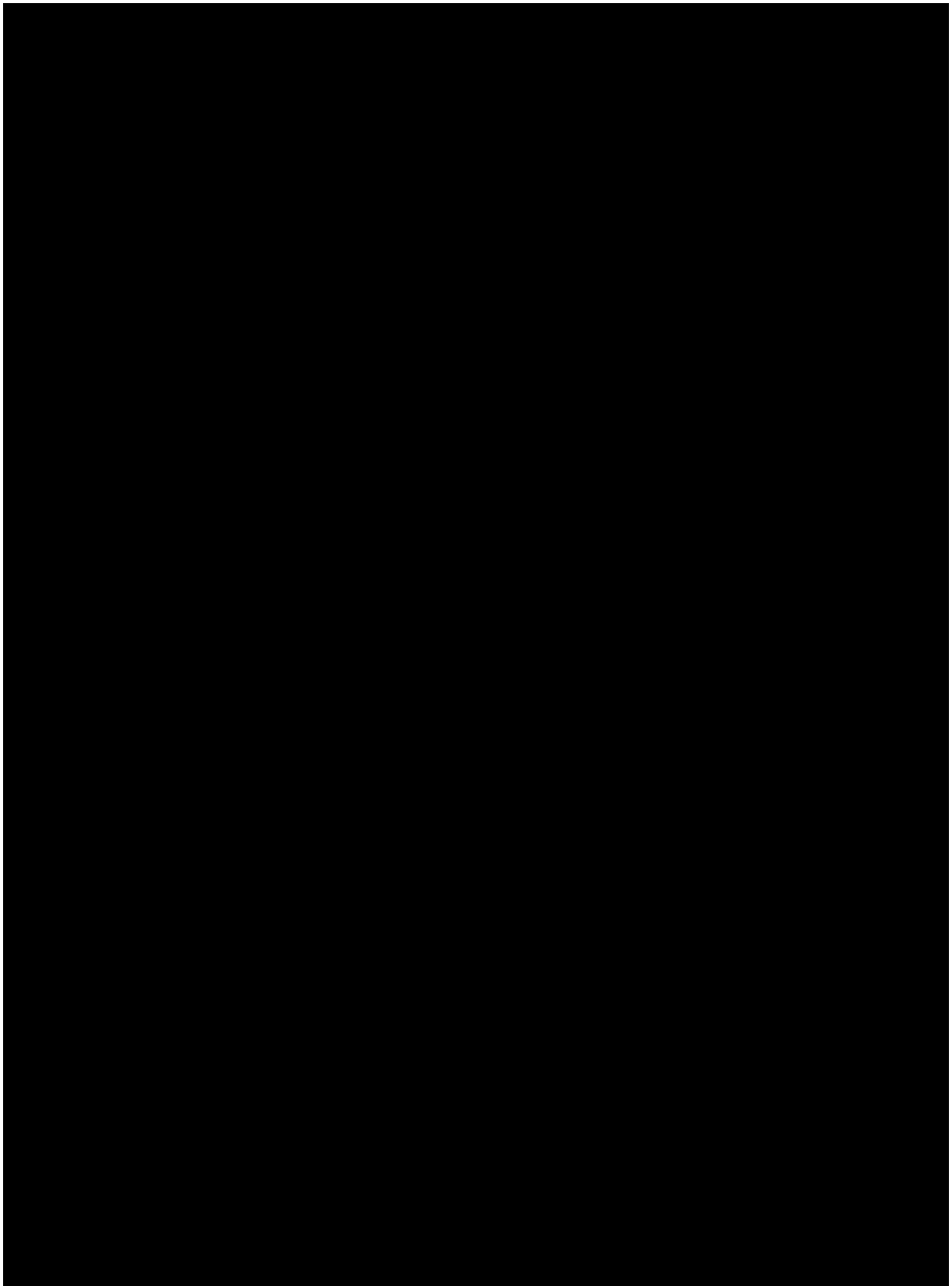
1   BY MR. LAVIN:

2   Q.   Okay. Do you -- did you review the language

3   that is used by United to explain Viant pricing and

4   explanation of benefits?

5   MR. KING: Note my objection.

6   You can answer.

7   THE WITNESS: That product has been in place

8   for a long time. So I don't know if they've made an

9   update, but it's been in place for a long time. So

10   it was prior to me.

11   BY MR. LAVIN:

12   Q.   So the language that United uses in this

13   explanation of benefits has been there prior to you

14   being at Viant?

15   A.   Since they use the product since 1994, 1995,

16   they had language in there. We could have updated it

17   since then. I just don't recall specifically.

18   Q.   So you don't know if this language that was

19   suggested here recommended was ever actually used by

20   United?

21   MR. KING: Note my objection. Asked and

22   answered.

23   You can answer.

24   THE WITNESS: Yeah, I would have to look at

25   what they actually put in there.

Page 112

1   BY MR. LAVIN:

2   Q.   So you think it's possible that United is

3   using the same language from 23 years ago?

4   A.   I wouldn't say from 23 years ago. I would

5   say it could have been updated since then.

6   ███

7   ███

8   ███

9   ███

10   ███

11   ███
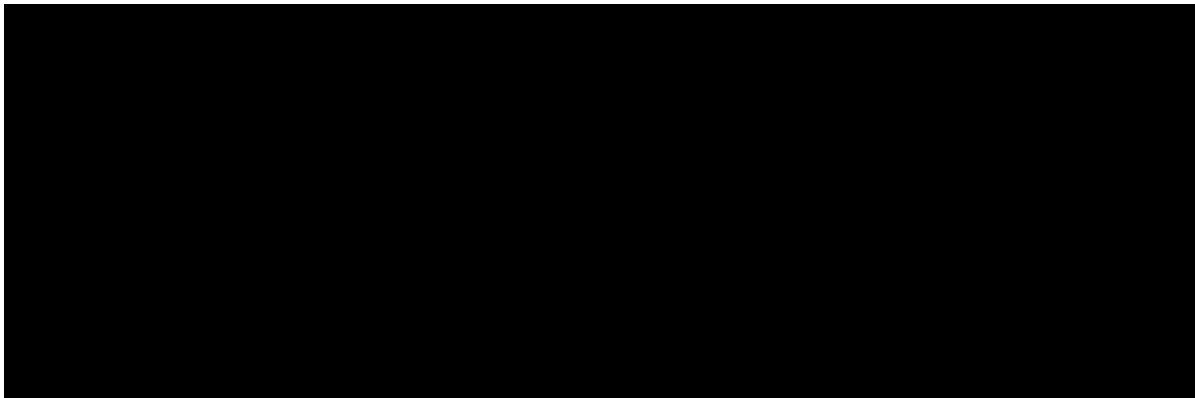
12   Do you have an understanding of what "usual

13   and customary fee" is?

14   A.   Yes.

15   Q.   What is that?

16   A.   It's the usual and customary charge that a

17   provider is charging in that geographic area.

18   Q.   Similar providers?

19   A.   It would be similar providers.

20   Q.   Okay. Would you -- do you know if in the

21   standard analytical file there are -- there is data

22   for any non-Medicare out-of-network substance use

23   disorder IOP providers?

24   MR. KING: Note my objection. Foundation,

25   outside the scope of the deposition, and asked and

Page 113

 1   answered.

 2   But you can go ahead and answer again.

 3   THE WITNESS: Say that again? You're asking

 4   me if I know that there's data in there that --

 5   BY MR. LAVIN:

 6   Q. Yeah, yeah, yeah. Because I'm asking about

 7   this is recommended language about how the claim was

 8   priced, and you've said usual and customary means

 9   similar providers offering similar services.

10   Do you know -- are non-Medicare providers,

11   providers who submit claims to commercial payers, are

12   they -- are their claims similar to Medicare

13   providers?

14   MR. KING: Again. Same objections. You

15   already asked her that this morning, earlier this

16   morning, but she can answer again.

17   THE WITNESS: Yeah, I'd have to defer to

18   Sean Crandell.

19   BY MR. LAVIN:

20   Q. Okay. In your personal experience, do

21   you --

22   MR. KING: Again, objection.

23   THE WITNESS: Again, I'd have to defer.

24   BY MR. LAVIN:

25   Q. Do you believe that providers who submit

Page 114

1   claims to Medicare charge less than providers who are

2   not in network with Medicare and who only submit

3   claims to private payers?

4   MR. KING: Objection. Total lack of

5   foundation here.

6   THE WITNESS: Yeah, I can't answer that.

7   BY MR. LAVIN:

8   Q. Okay. Do you know if there is -- how many

9   years have you worked in healthcare altogether?

10   A. I came from the work comp side. So probably

11   30 some.

12   Q. And all of that is in healthcare

13   reimbursement; correct?

14   MR. KING: Note my objection.

15   You can answer.

16   THE WITNESS: Yes.

17   BY MR. LAVIN:

18   Q. Are you aware of any published rate in

19   healthcare that is less than a Medicare rate?

20   MR. KING: Objection. Vague.

21   You can answer.

22   THE WITNESS: I can't -- not that I know.

23   BY MR. LAVIN:

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Page 115

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10   Q. All right. And what is part of that

11 program? Can you explain to me how it works?

12   A. So that is when the claim is priced,

13 MultiPlan will send a letter to the member, notifying

14 them that the claim was priced using our database,

15 and that if they are balance billed, to reach out to

16 us.

17   Q. And does MultiPlan receive calls and

18 responses to those letters?

19   MR. KING: Note my objection. This area of

20 questioning is going to be covered by Ms. Praxmarer,

21 but the witness can answer.

22   THE WITNESS: Yes.

23 BY MR. LAVIN:

24   Q. Okay. Does MultiPlan keep track of how many

25 calls it receives in response to those letters?

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 116

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 1        A.   You would have to ask Kathy Praxmarer that

 2    process.

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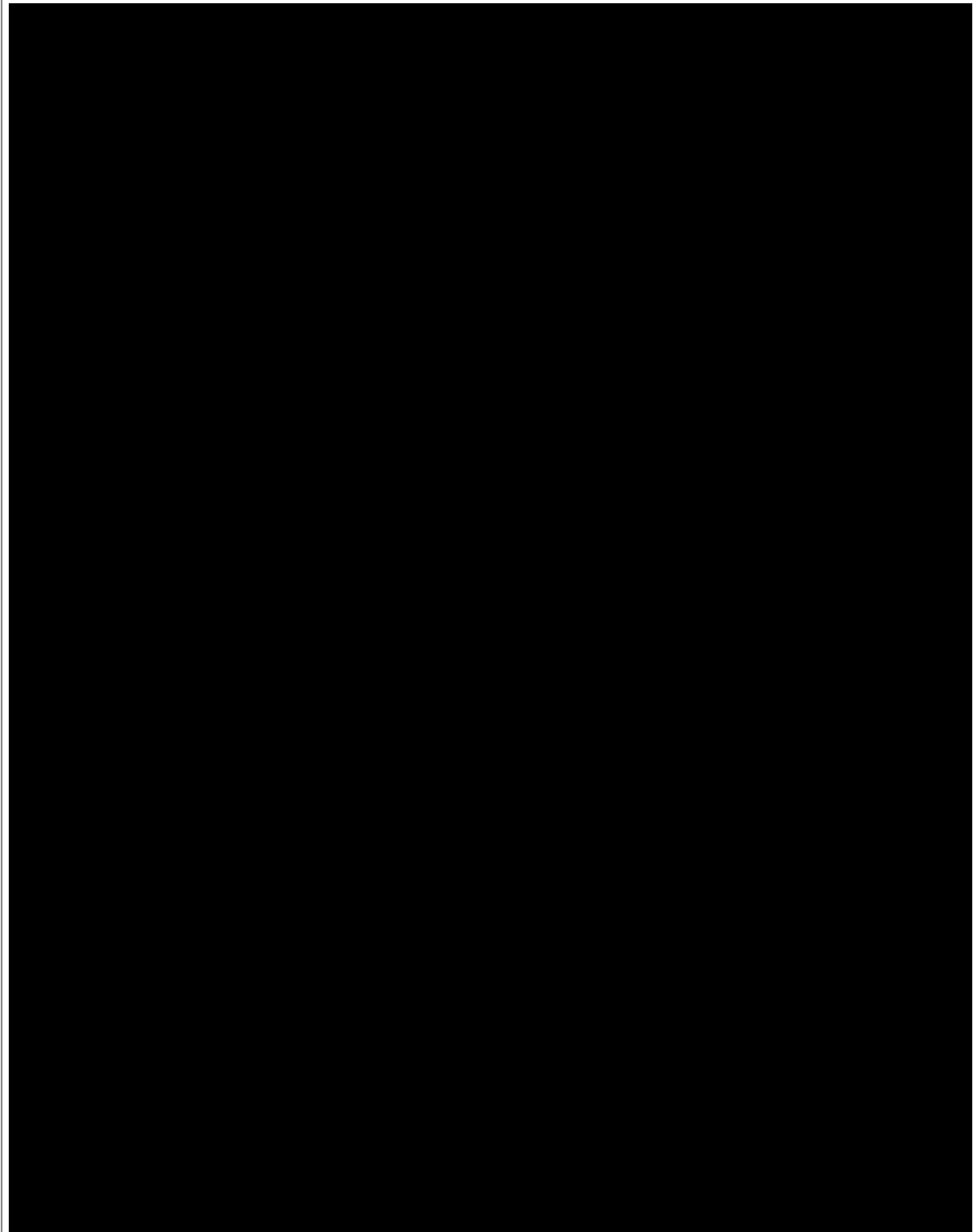
Page 117

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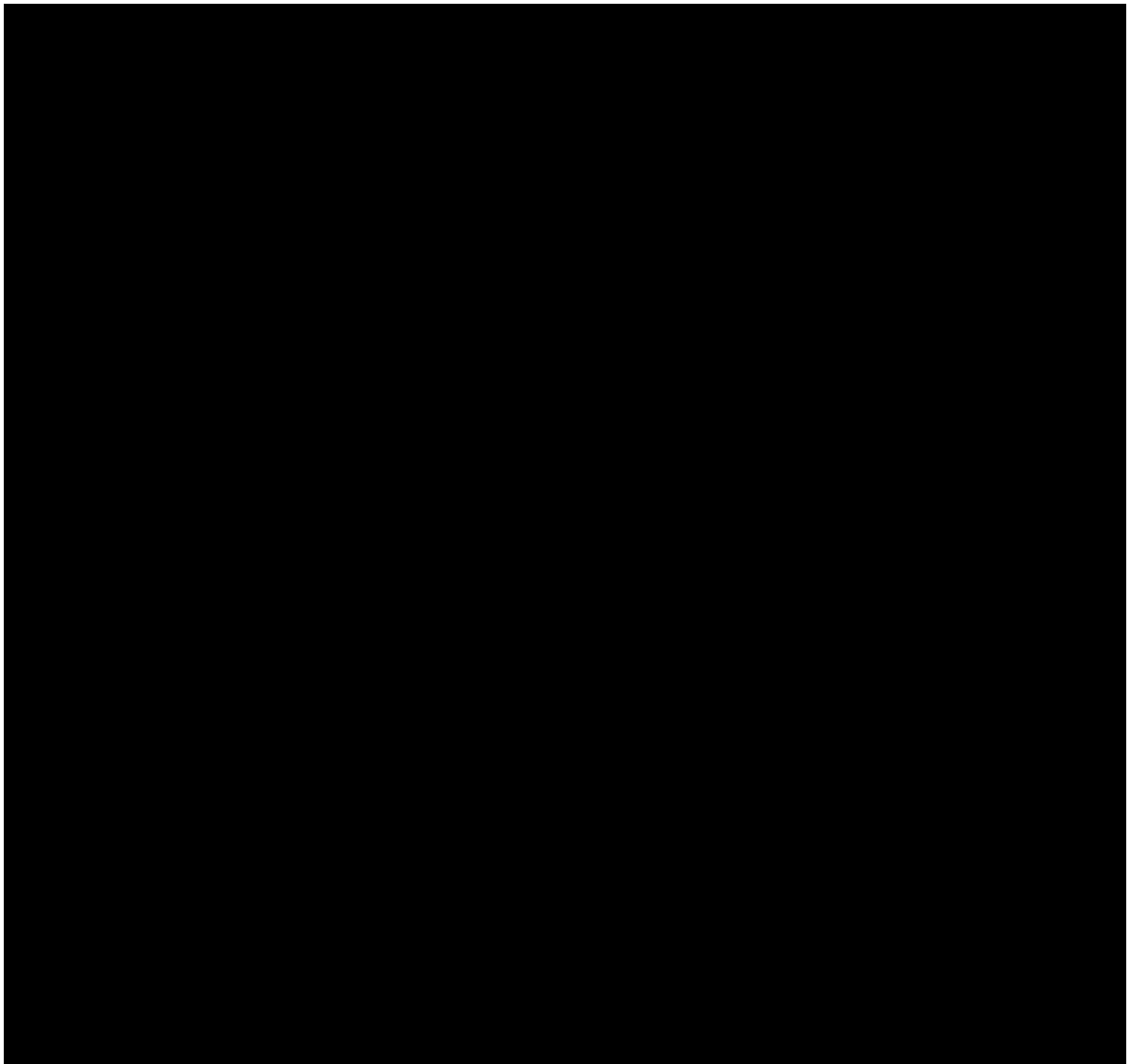
18   Q. Okay. Let's go to the next Exhibit.

19   (Exhibit 13 was identified.)

20   BY MR. LAVIN:

21   Q. Exhibit 13 bears Bates Numbers UHC5266

22   through UHC5273, and you can take a second to look

23   through that. I really just want to talk about the

24   first two pages.

25   A. Okay.
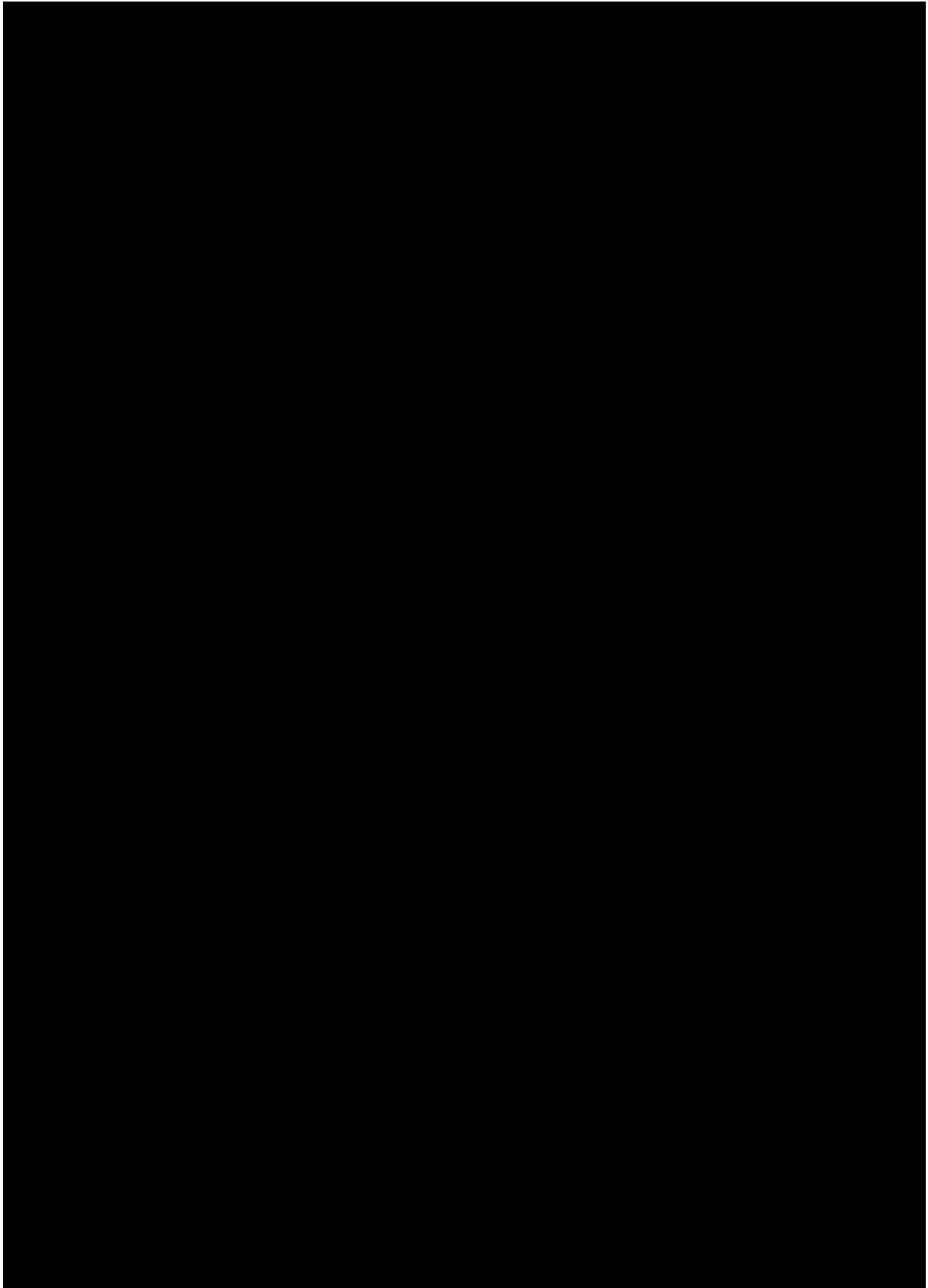
Page 118

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CONF AEO 30(b)(6) Jacqueline Kienzle July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 120

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 122

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Page 123

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp
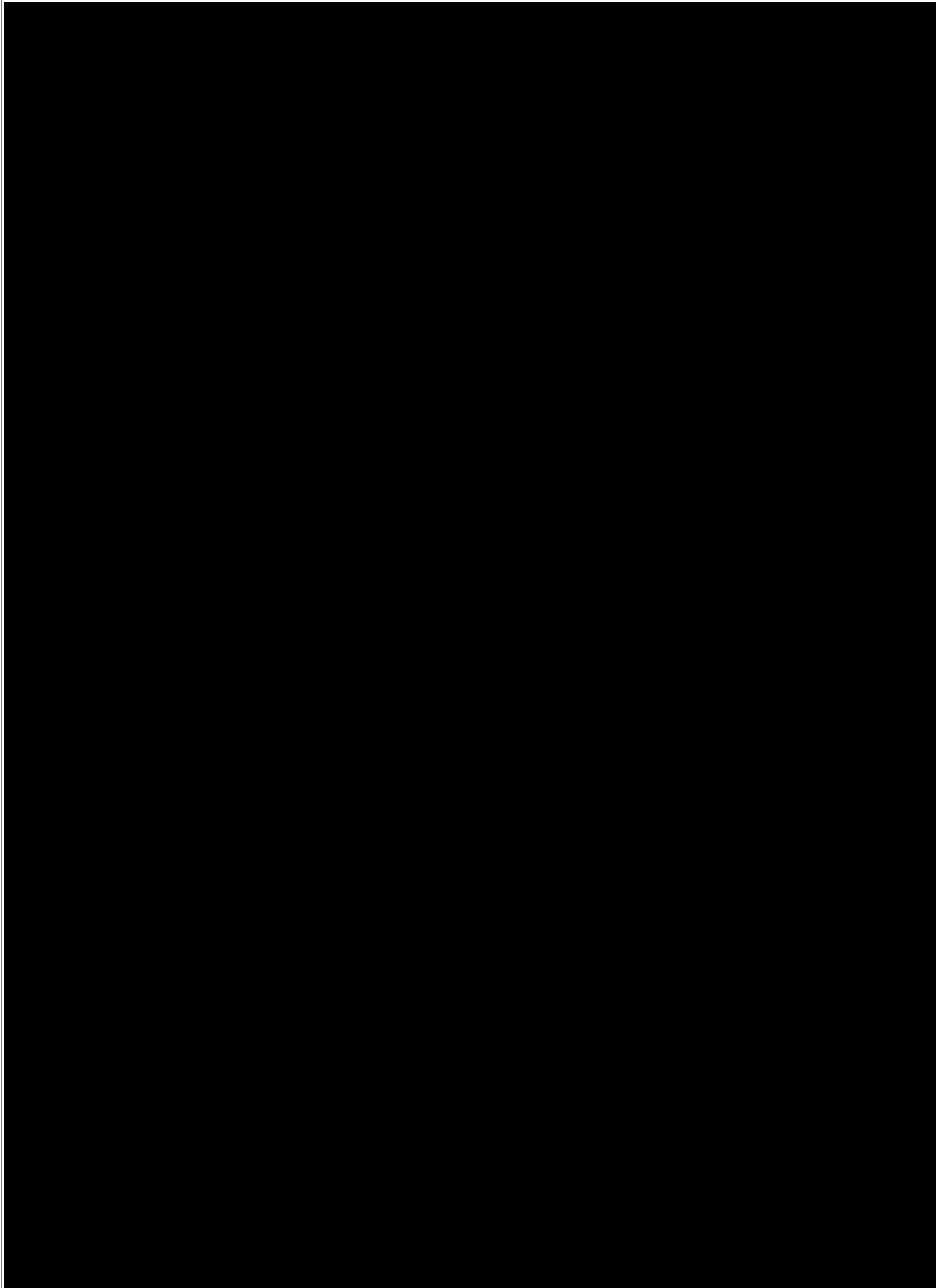
Page 124

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CONF AEO 30(b)(6) Jacqueline Kienzle — July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 126

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Page 127
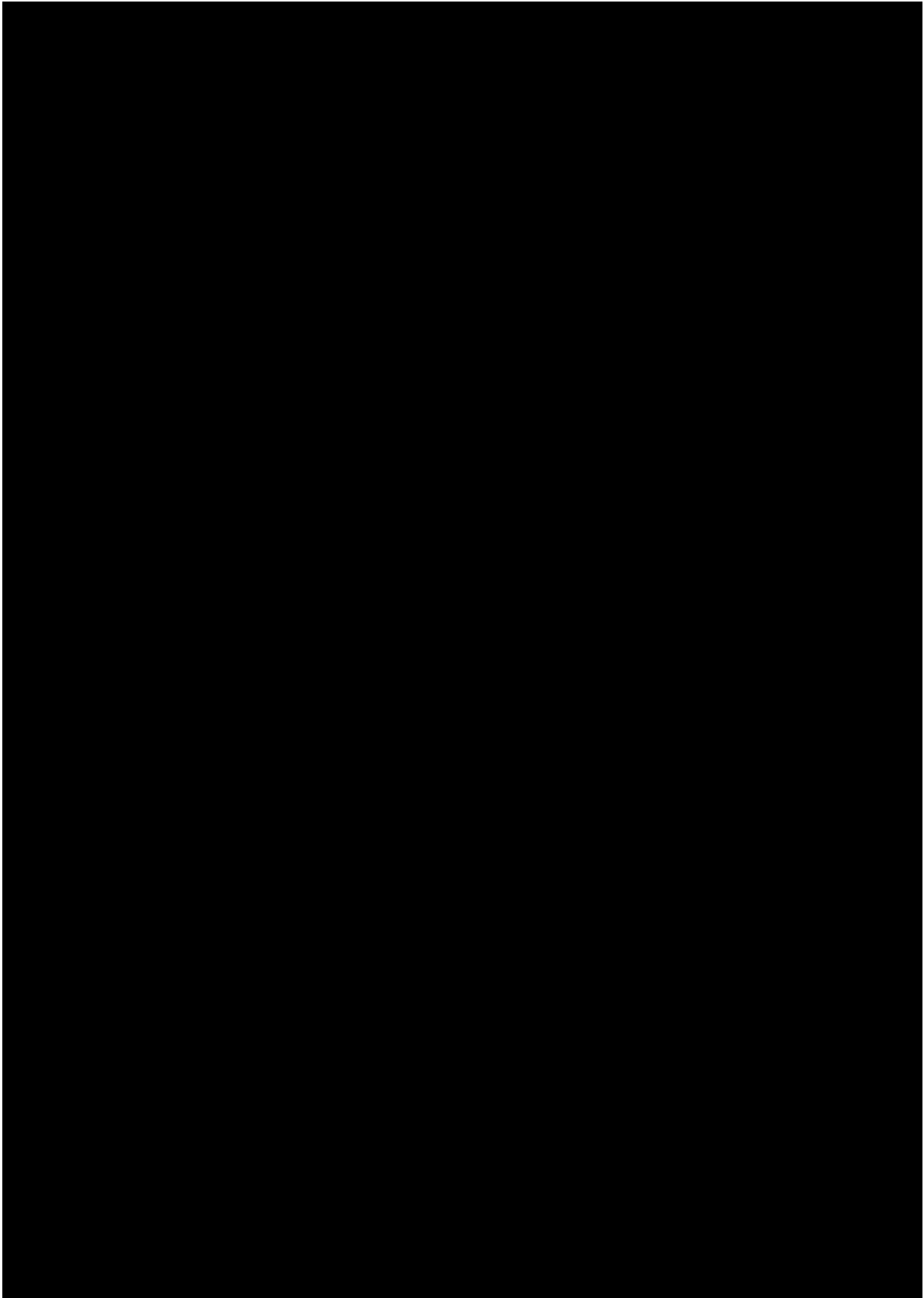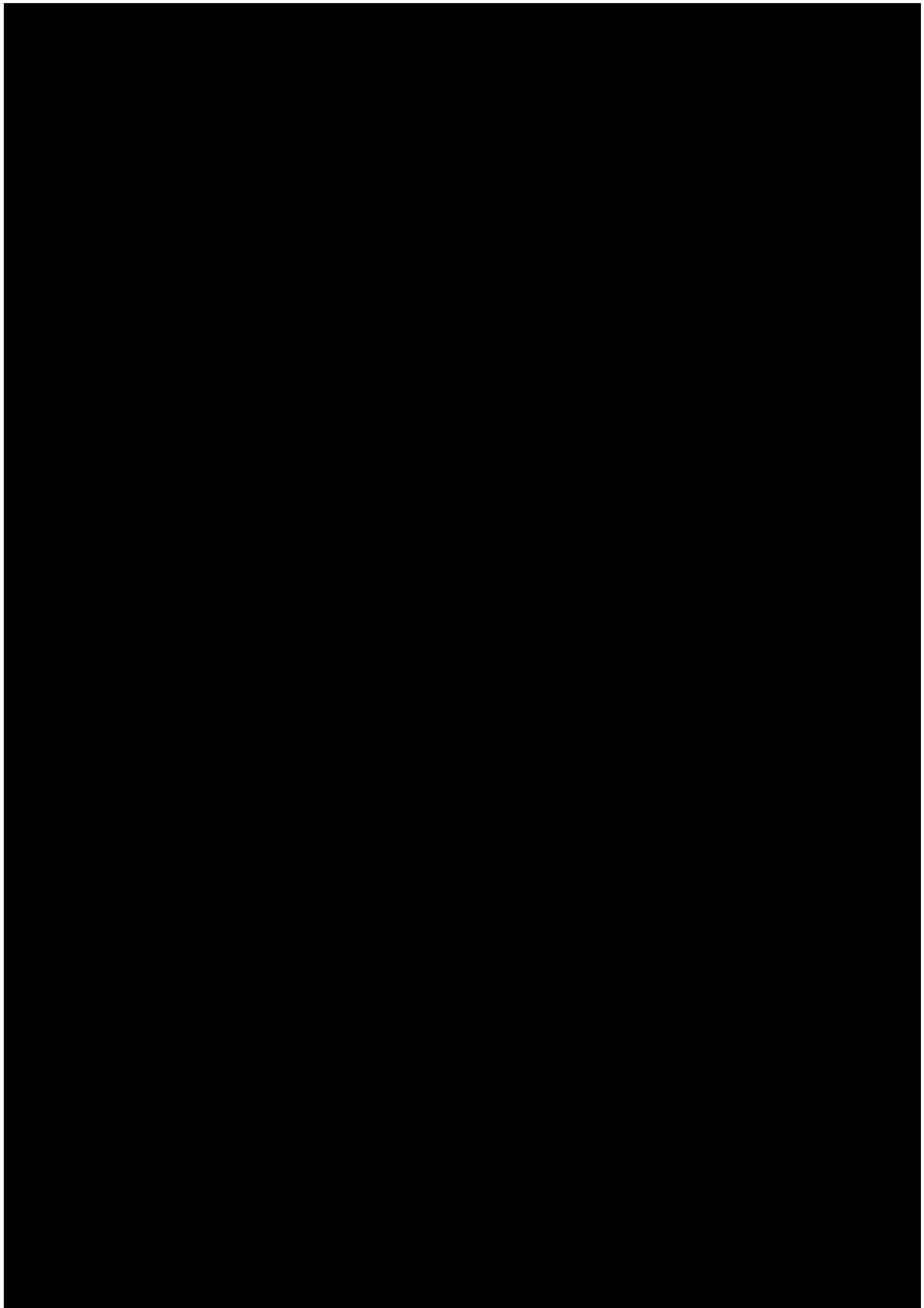
10   Q. Okay. Let's go to the next exhibit,

11   Exhibit 17.

12   (Exhibit 17 was identified.)

13   BY MR. LAVIN:

14   Q. Exhibit 17 bears Bates Numbers MPI-9418

15   through MPI-9421.

16   A. Okay.

17   Q. Do you recognize this document?

18   A. I am not on the document.

19   Q. You -- actually, you're on the second email

20   down.

21   A. Okay.

22   Q. If you look underneath.

23   A. Okay. Yep.

24   Q. Does that refresh your recollection?

25   A. Yeah.

Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 129 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 128

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Page 129

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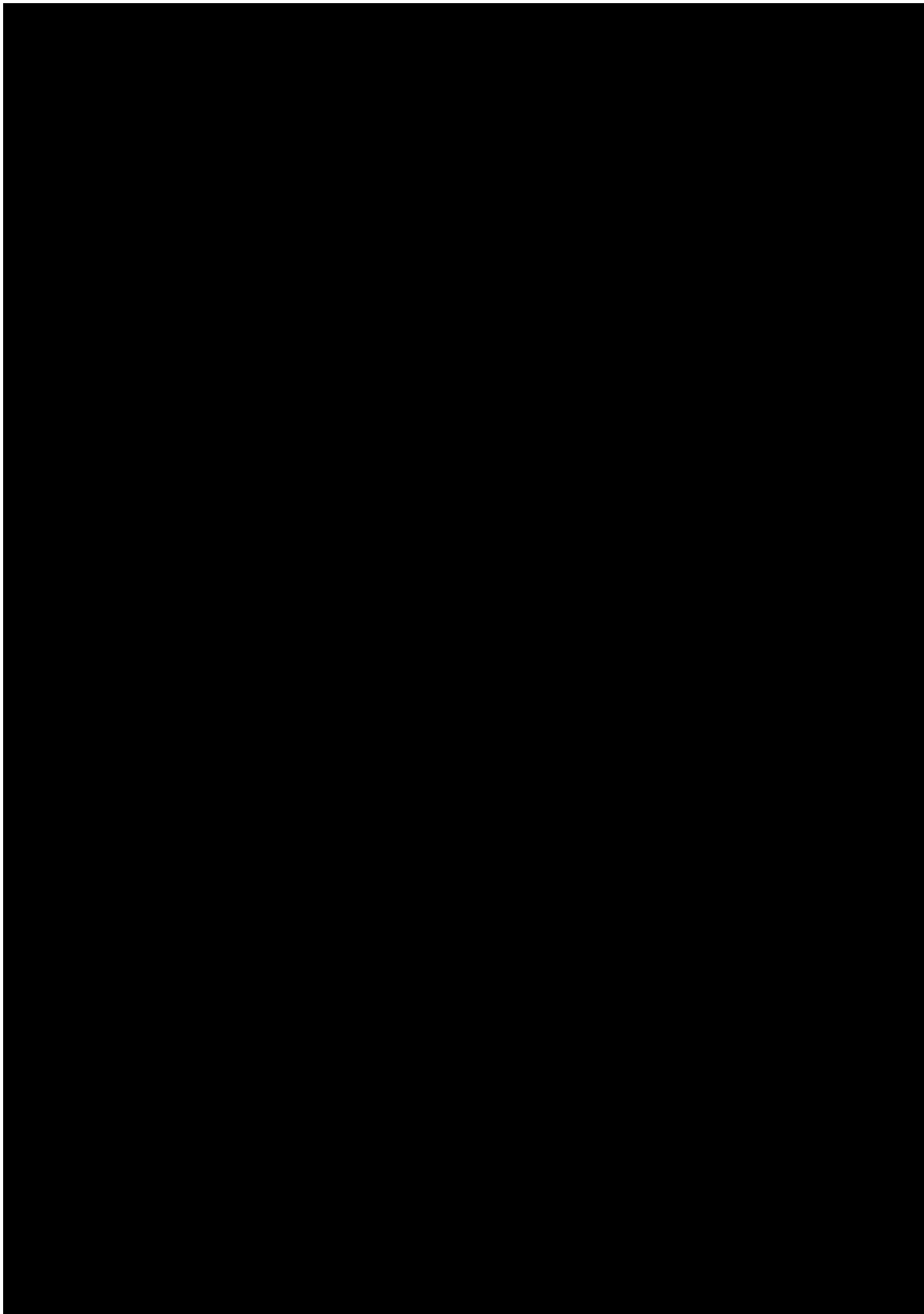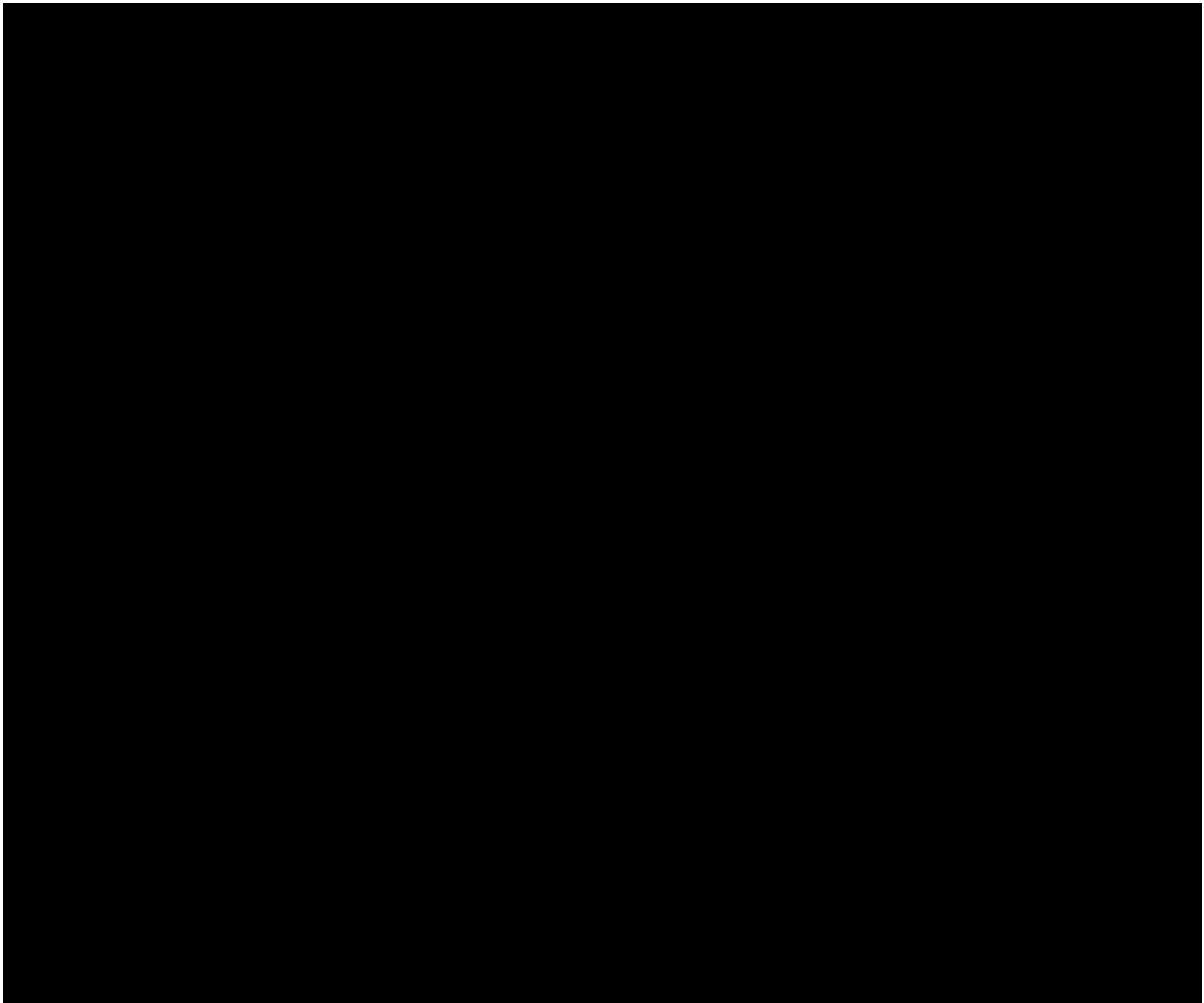
16   Q. You've had a long-term relationship with

17 United. How does that -- you know, how does it work

18 currently? Does -- do you go to them and suggest

19 program ideas, or is it -- is it kind of mutual?

20   A. I would say it's probably mutual. We have a

21 longstanding relationship, and we bring opportunities

22 and ideas to the table, and then they come to us

23 looking for solutions as well.

24   Q. Okay. Let's go to the next exhibit,

25 Exhibit 18.

Page 130

1   (Exhibit 18 was identified.)

2   BY MR. LAVIN:

3   Q.   Exhibit 18 bears Bates Numbers MPI-10681

4   through 10682.

5   MR. KING: Are you ready?

6   THE WITNESS: I'm ready.

7   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 131

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         Q.   So it's a plan designation?

3   MR. KING: Note my objection.

4   You can answer.

5   THE WITNESS: You'd have to ask United how

6   they designate whether a claim is in-network benefit

7   level or an out-of-network benefit level.

8   BY MR. LAVIN:

9   Q.   Okay. Does Viant OPR price both in-network

10   benefit level and out-of-network benefit level

11   claims?

12   A.   Yes.

13   Q.   It does currently. Okay.

Page 132

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 133

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Page 134
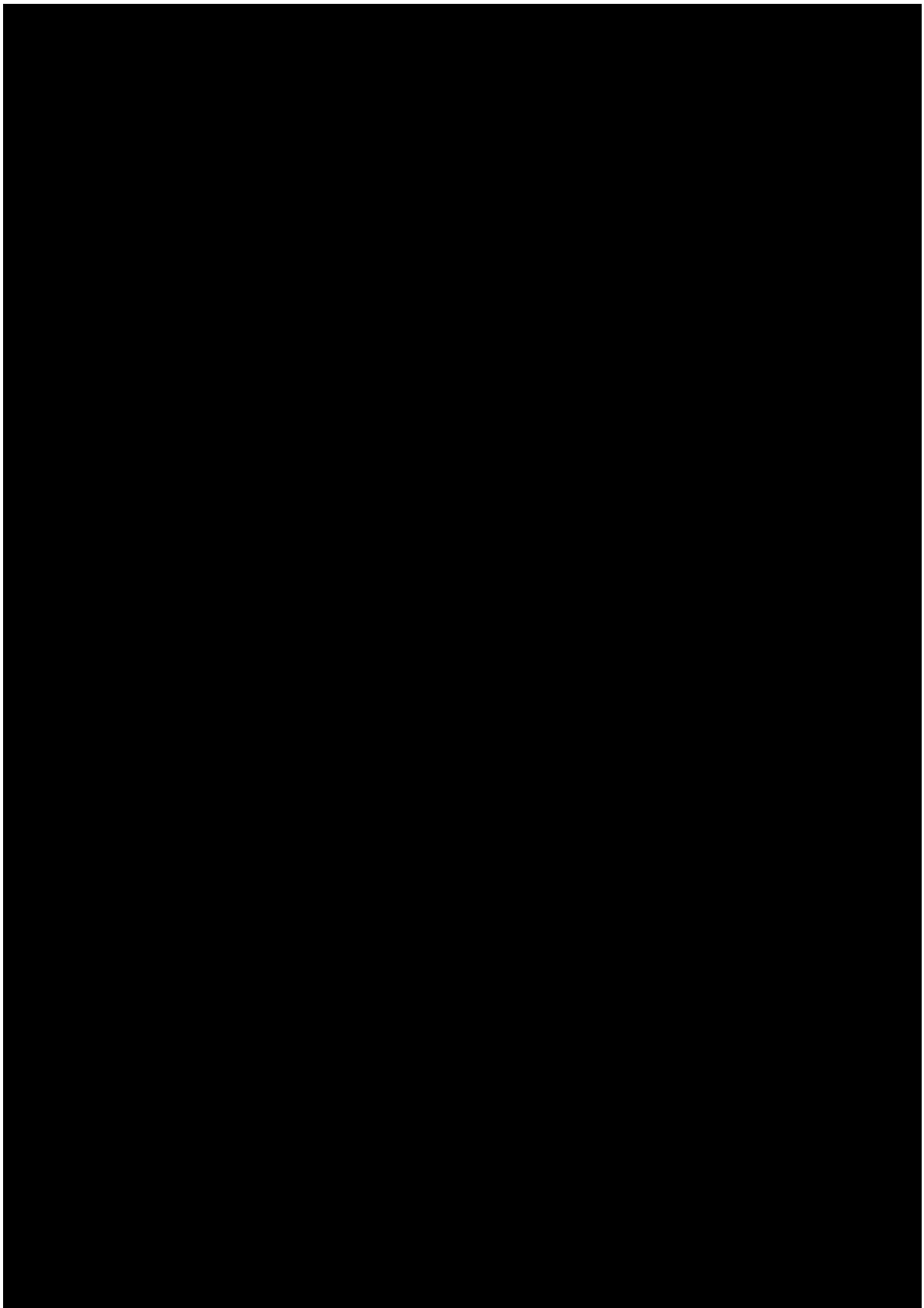
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8   Q.   Let's go to the next exhibit.

9   (Exhibit 19 was identified.)

10   BY MR. LAVIN:

11   Q.   Okay. Exhibit 19 bears -- it's a multi-page

12   document that bears Bates Numbers MPI-9786, and

13   that's its only Bates number. It's a native.

14   Do you recognize what this document is,

15   Ms. Kienzle?

16   A.   I believe this is a document that Mark, my

17   account manager, uses to track initiatives with

18   United.

19   Q.   Okay. So this is an ongoing, kind of

20   evolving document?

21   A.   I am not with it on a day-to-day basis. I'm

22   not involved with it on a day-to-day basis. So you'd

23   have to ask Mark.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 135

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 136

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2   Is the PAD letter the letter that is sent

3   out as part of the patient advocacy process whenever

4   a claim is priced by Viant?

5   MR. KING: Objection. Asked and answered.

6   You can answer.

7   THE WITNESS: Yes.

8   BY MR. LAVIN:

9   Q. And does that letter get changed from time

10   to time?

11   MR. KING: Objection. Asked and answered.

12   You can answer.

13   THE WITNESS: Yep, it does get updated.

14   BY MR. LAVIN:

15   Q. Do you know what the disclaimer is that's

16   being referenced here?

17   A. I do not.

18   Q. Do you know if that disclaimer was added on

19   the initiative of United or of MultiPlan?

20   MR. KING: Note my objection. Lack of

21   foundation.

22   You can answer.

23   THE WITNESS: Yeah, I do not.

24   BY MR. LAVIN:

25   Q. Okay. Let's go to the next exhibit.

Page 137

1   (Exhibit 20 was identified.)

2   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 138

Page 139
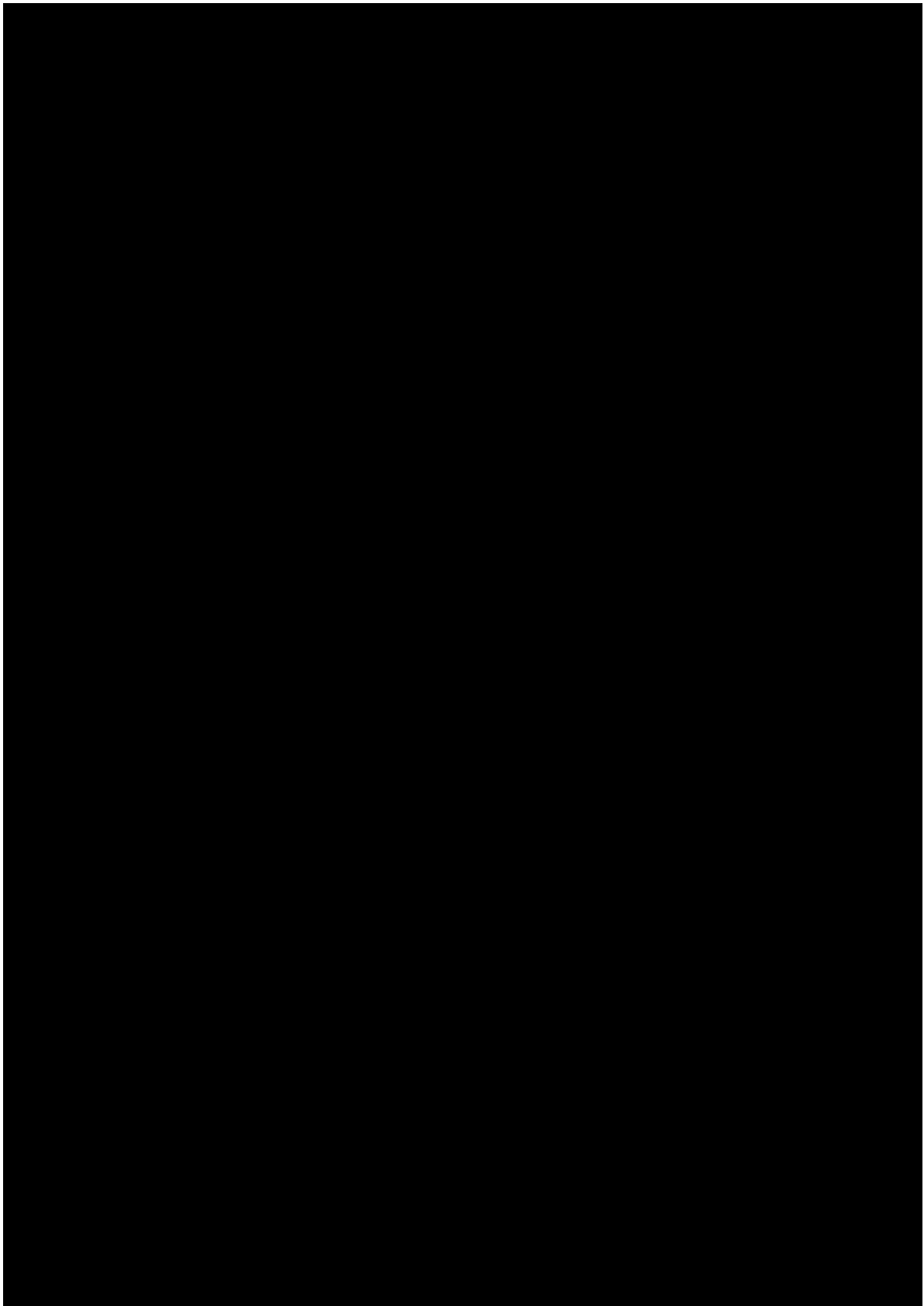
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 140

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 141
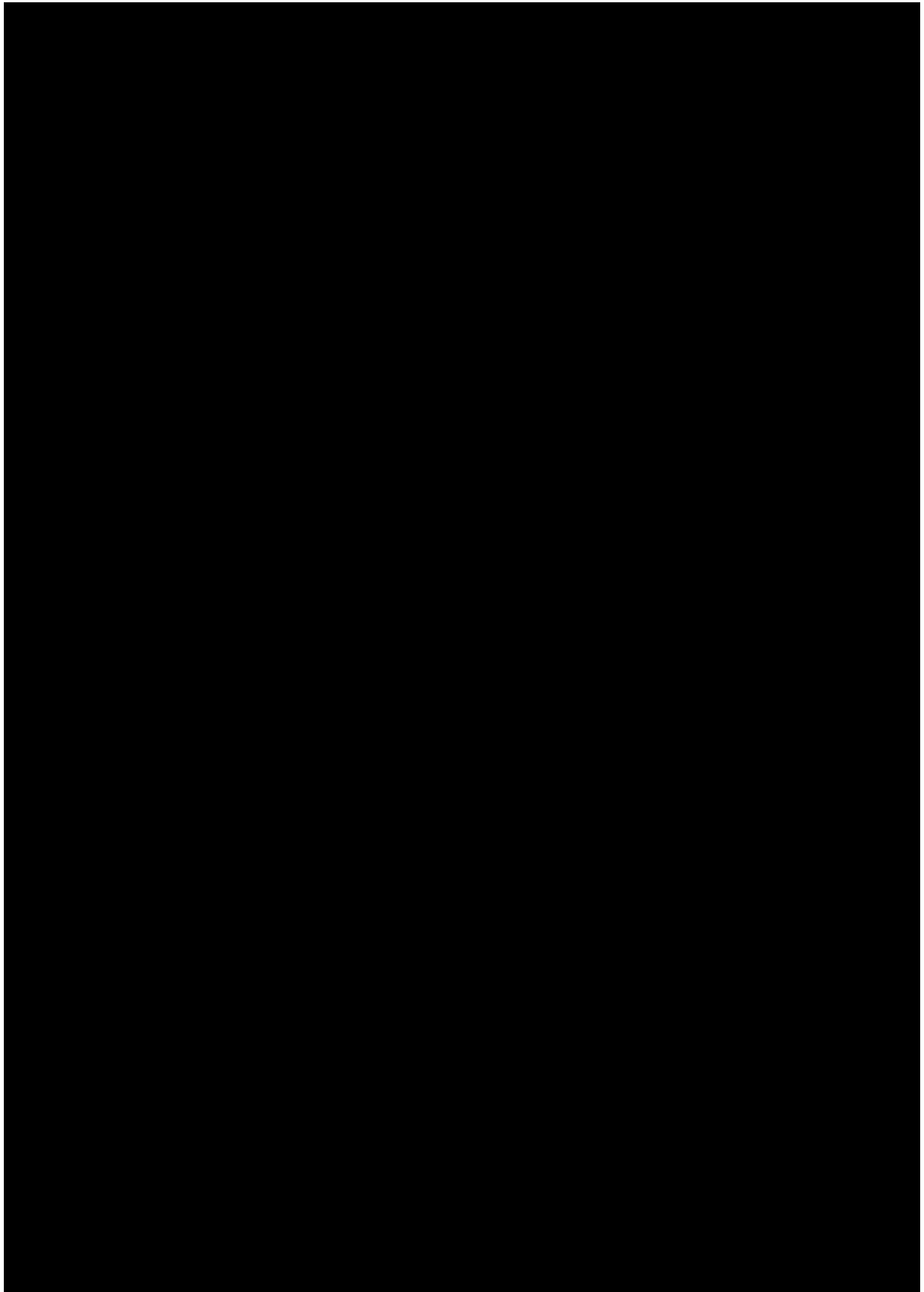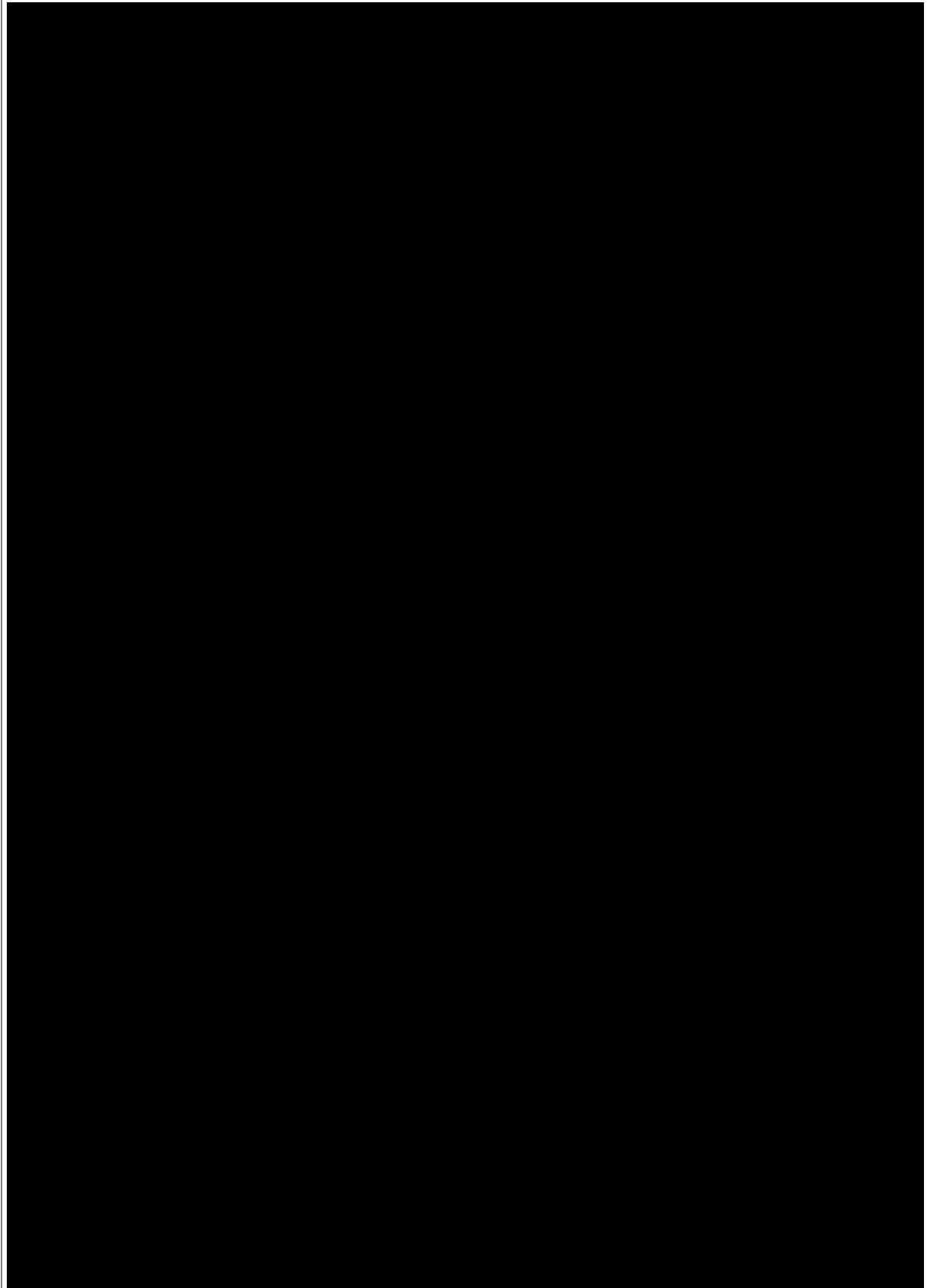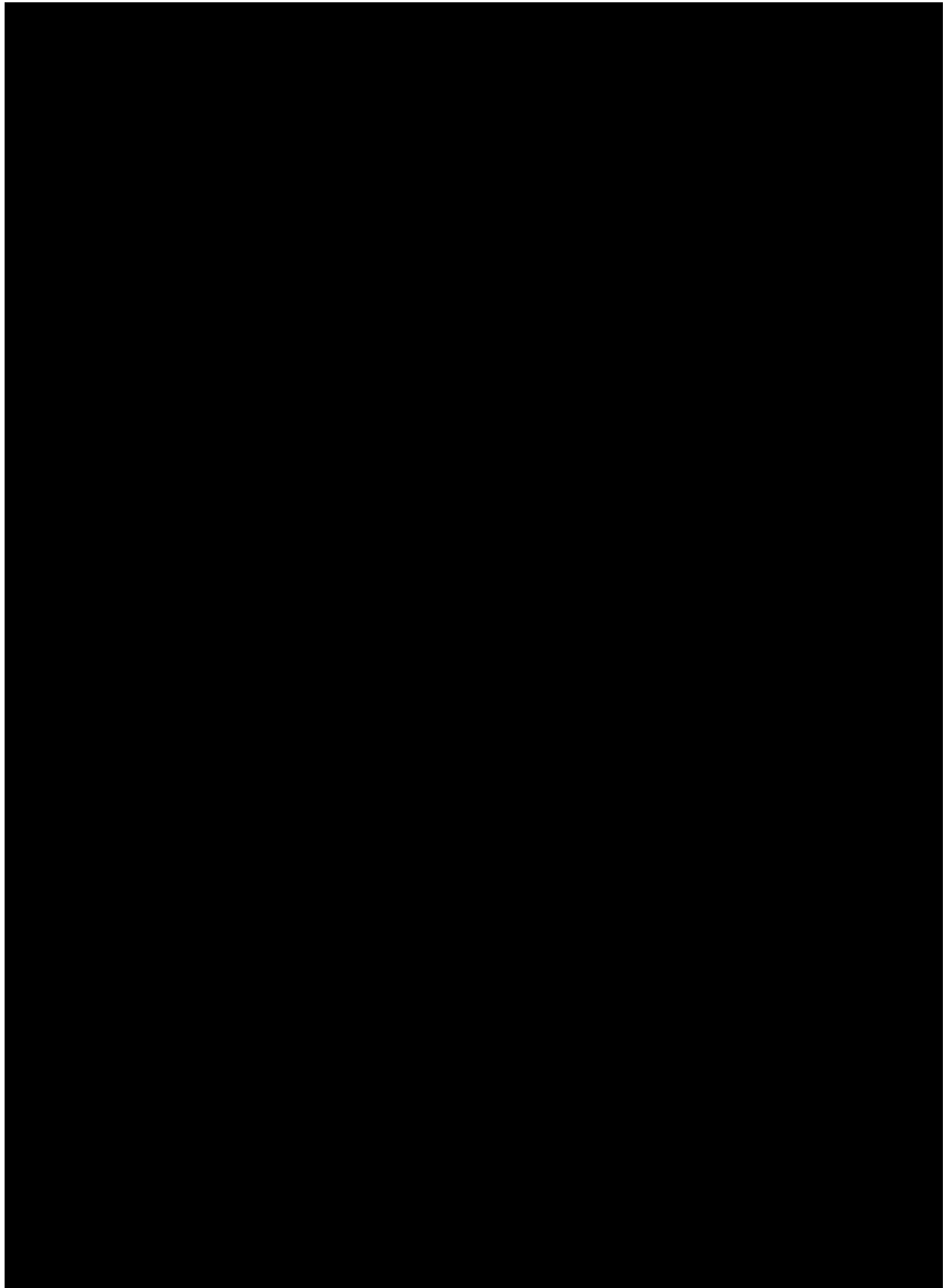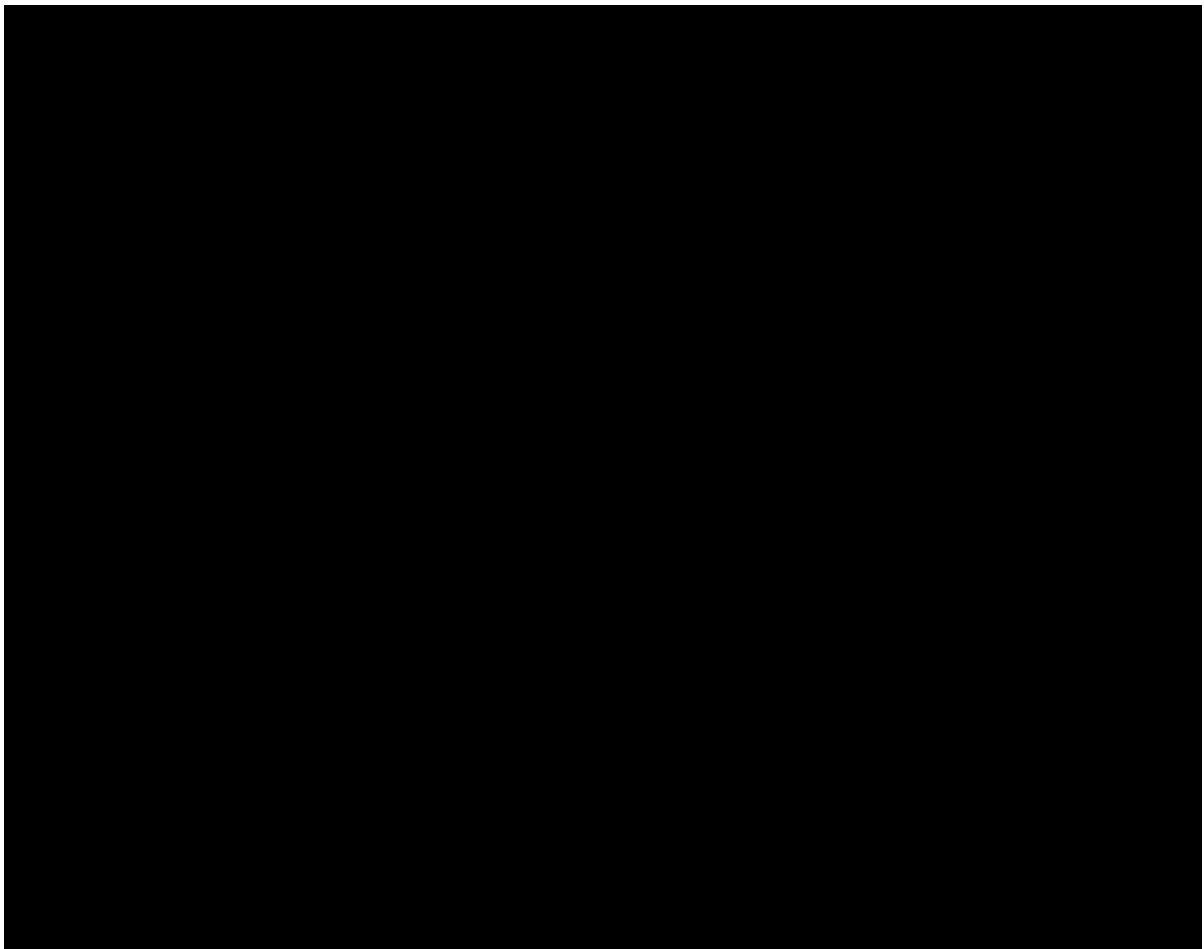
15   MR. KING: Wow. Wow. That's not true, one;

16   but, two, these are questions you should ask of

17   United, not of MultiPlan.

18   MR. LAVIN: I will, and I'm asking

19   Ms. Kienzle now. She has a question before her.

20   MR. KING: But that still has nothing to do

21   with the claims of your clients in this litigation.

22   MR. LAVIN: You know, we don't need your

23   testimony.

24   MR. KING: I'm not testifying, Matt.

25   MR. LAVIN: You can object.

Page 142

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 1              MR. KING:  I'm stating an objection.

 2              MR. LAVIN:  If you want to state your

 3   objection short and briefly and concisely for the

 4   record, that's great.  If you want to instruct her

 5   not to witness, you can do that too -- not to answer,

 6   that's fine too.  We don't need to have long

 7   discussions about this.

 8              MR. KING:  I know.  I agree.  And I do

 9   agree, Matt.  That is correct.  But you still have

10   not shown relevancy; so my objection stands, and,

11   again, I'm not --

12              (Simultaneous cross-talk.)

13              MR. LAVIN:  Well, you know our position on

14   it.  You know our position on it.  So the question is

15   out there.

16              Can you read back the original question.

17              And we're going to be here for ten and a

18   half hours if we keep doing this, Errol.

19              MR. KING:  No.  No, we're not.  Matt, you

20   know what topics she's designated for, and you need

21   to get focused on those topics, and you need to stay

22   within the litigation because we're not going to be

23   at ten and a half hours.  If you're going to drag

24   this out by asking irrelevant questions on irrelevant

25   topics, then I will instruct her not to answer so we
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Page 143

1   can move on.

2   MR. LAVIN: Okay.

3   MR. KING: Geez.

4   MR. LAVIN: You --

5   MR. KING: I mean, I -- you're not going to

6   question this witness on irrelevant topics and then

7   stretch this out for 12 hours. That's not happening.

8   Okay?

9   MR. LAVIN: Relevance is not a valid

10   objection in a deposition.

11   MR. KING: Look --

12   MR. LAVIN: And you know that. And you

13   know that.

14   MR. KING: If you're not asking about the

15   case at issue, then, yes, that is a -- that is a

16   valid objection. Absolutely.

17   THE REPORTER: Did you want me to read back

18   the question?

19   MR. LAVIN: Please do.

20   THE REPORTER: Bear with me. It's going to

21   take me a bit to get back there.

22   (Record read as follows:

23

24

25

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 144

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Page 145

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Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 147 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 146

Page 147

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 148

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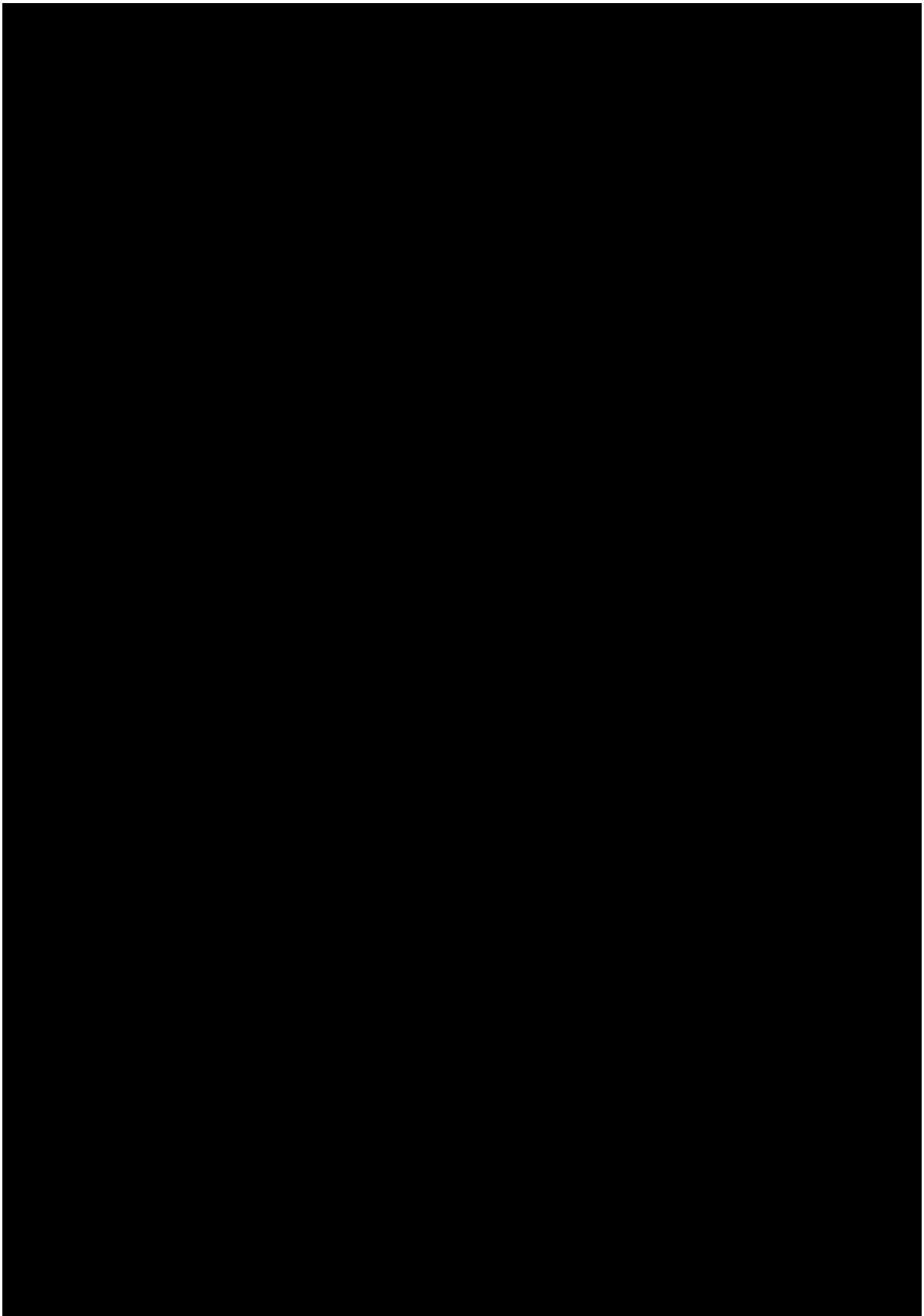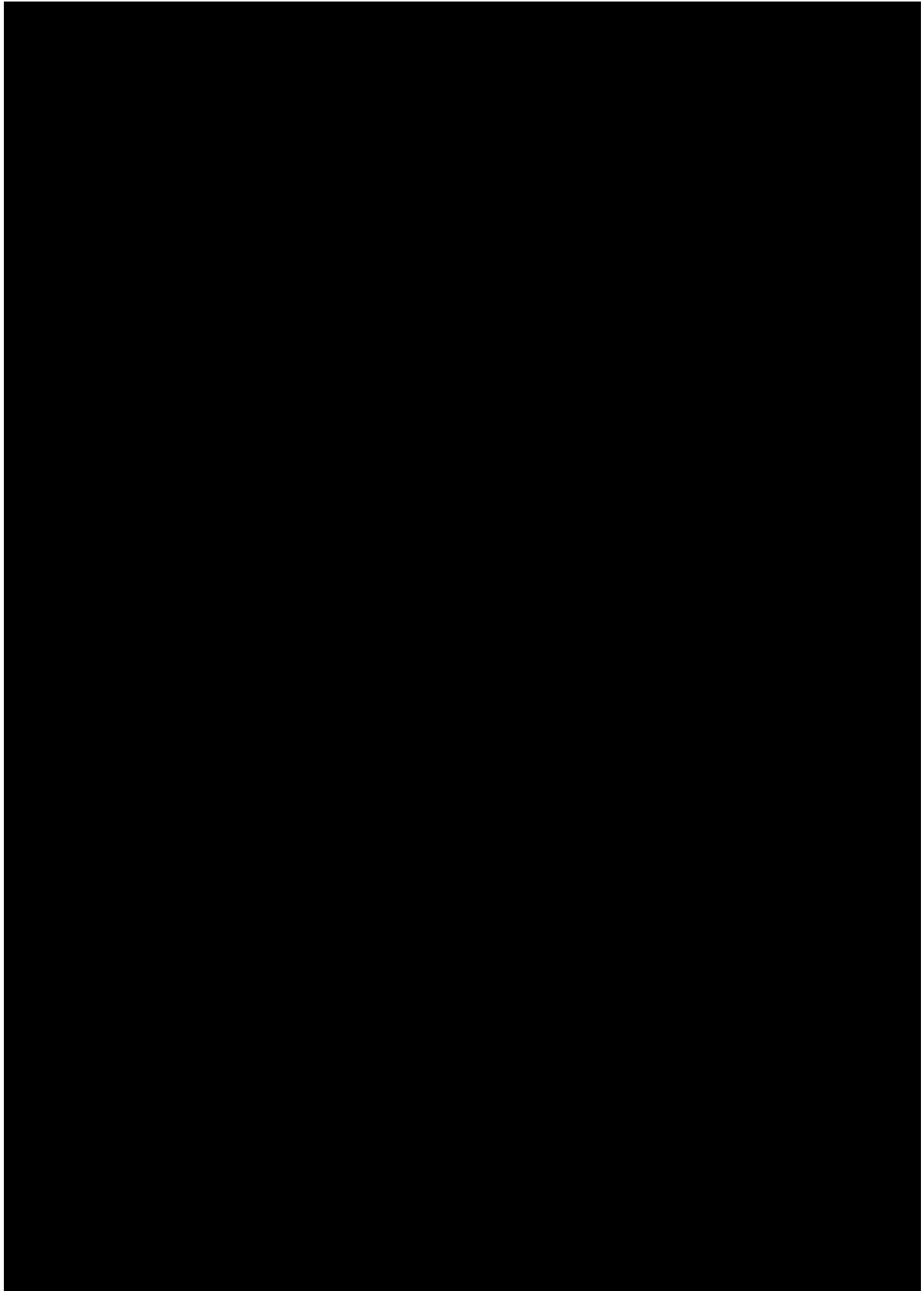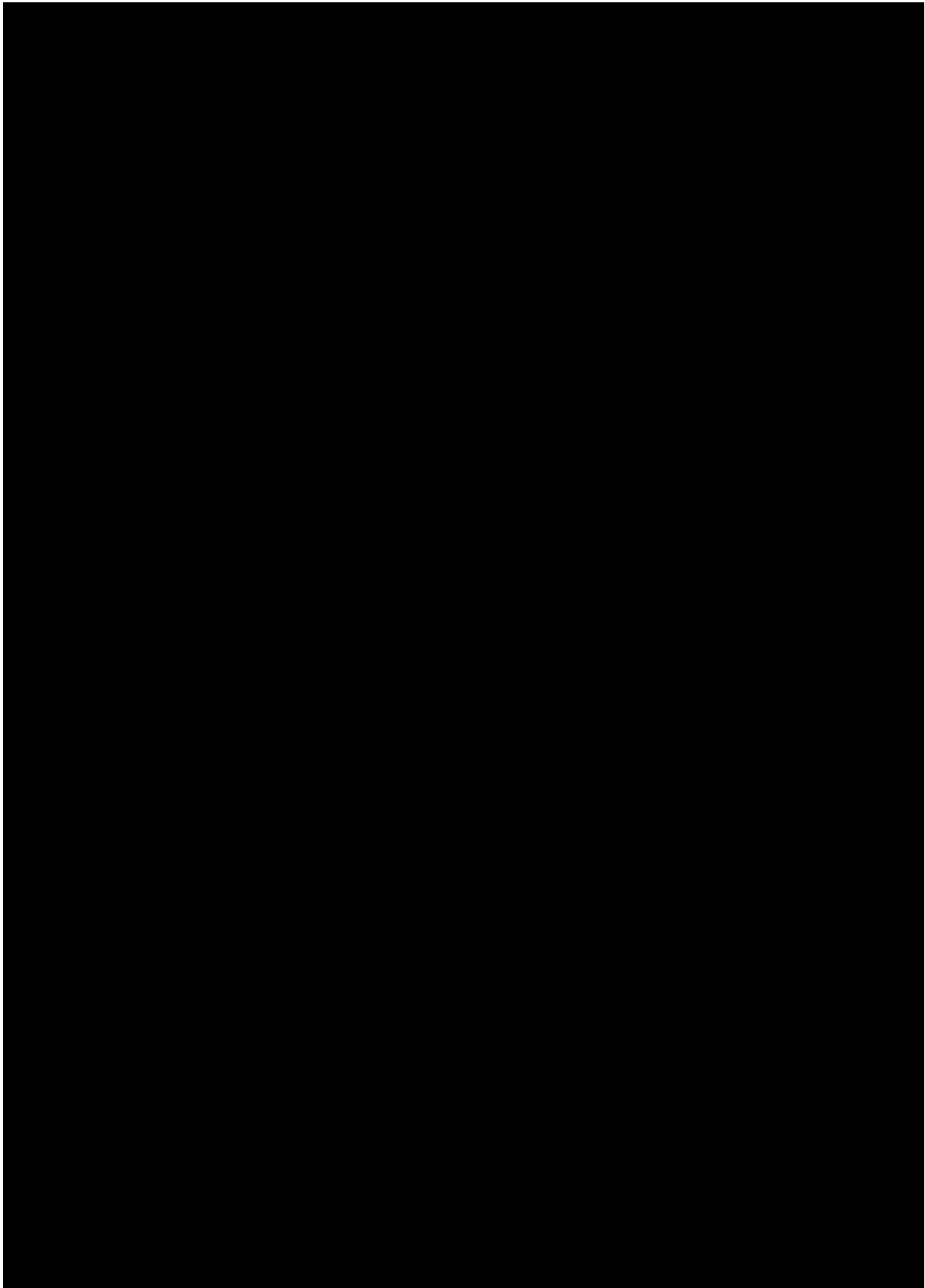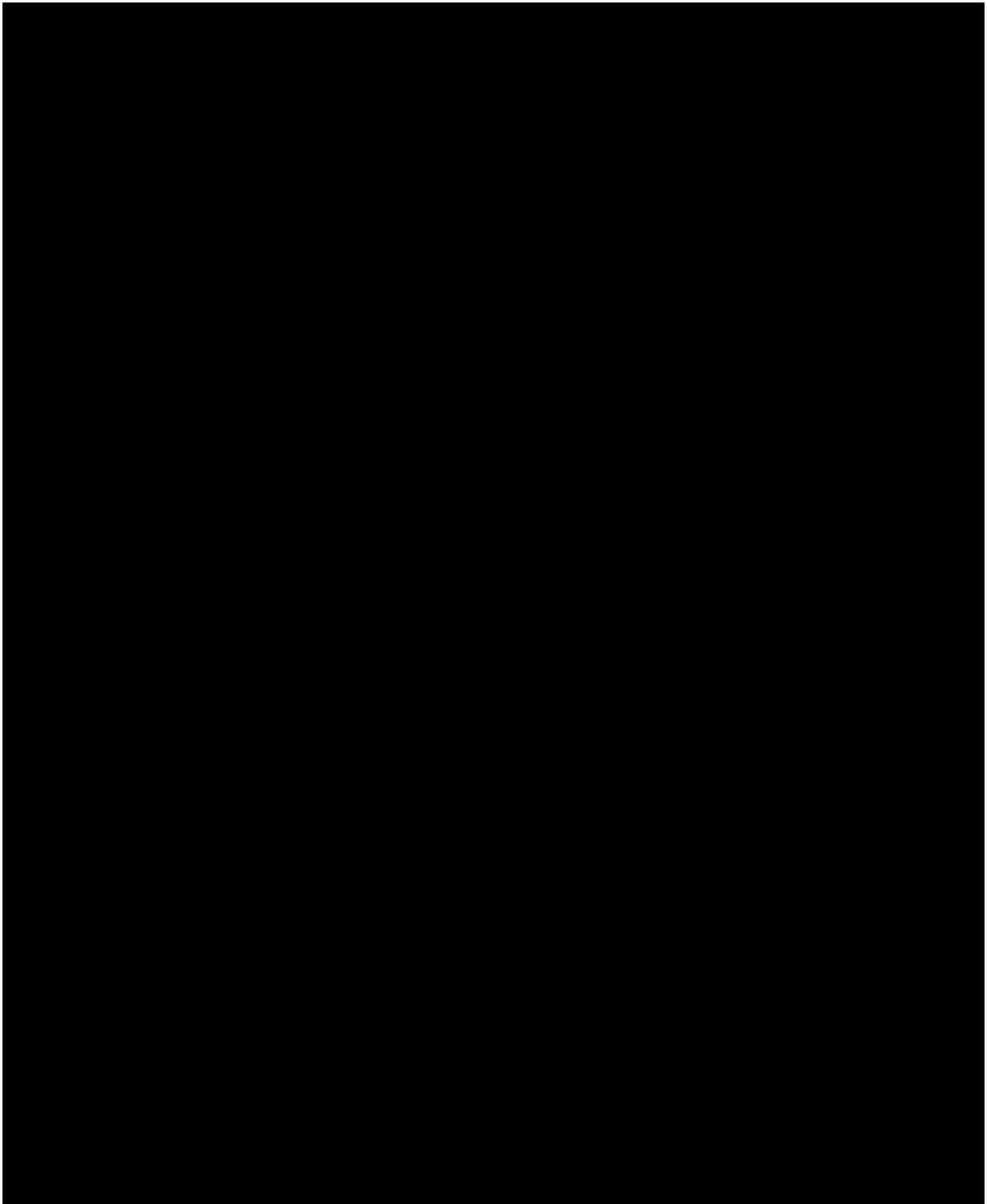
23   If we look on the last -- on Page 916, it

24   says, "Viant SUPPS," S-U-P-P-S, and then there are

25   some numbers.

Page 149

1   A.   916?

2   Q.   Yeah. MPI-8916.

3   MR. KING: I don't think that's the last

4   page.

5   THE WITNESS: Huh-uh.

6   MR. KING: You said the last page. I think

7   it's the second to last page.

8   MR. LAVIN: Okay.

9   MR. KING: So we were both on 8197.

10   BY MR. LAVIN:

11   Q.   All right. Okay. And you see where it

12   says, "Viant SUPPS"?

13   A.   No.

14   MR. KING: Middle of the page.

15   THE WITNESS: Oh, Viant SUPPS. Uh-huh.

16   BY MR. LAVIN:

17   Q.   What are the SUPPS? Do you know what those

18   are referring to?

19   A.   Those are extender networks, supplemental

20   networks, that we have in -- that access discounts.

21   Q.   So how is -- is that not the regular Viant

22   OPR program? Is that different?

23   A.   No. So when -- when Viant, before they got

24   acquired by MultiPlan, we have extender networks, and

25   we called them Viant supplemental networks.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 150

 1   Q.   What is an extender network?

 2   A.   It's a network that we use that has a

 3   contract with the provider. So it's a non-logoed

 4   network with a provider.

 5   Q.   What do you mean by "non-logoed?"

 6   A.   There is no ID requirements on the card.

 7   Q.   Okay. So the card -- the patient's

 8   membership card does not have to say "MultiPlan" on

 9   it?

10   A.   Correct.

11   Q.   But it still uses Viant OPR?

12   A.   It does not use Viant OPR. It's a

13   supplemental network. If it's --

14   Q.   What is -- okay.

15   MR. KING: It's --

16   BY MR. LAVIN:

17   Q.   It's a provider network, like participating

18   provider network with --

19   A.   Correct.

20   Q.   -- maybe not MultiPlan, but another cost

21   containment company?

22   A.   It's another -- yes.

23   Q.   All right. Who are some of those entities

24   in the extender network?

25   A.   There's TC3, HSI, HealthSmart.

Page 151

1   Q.   Are those companies that MultiPlan has an

2   agreement with or that MultiPlan owns?

3   A.   MultiPlan does not own them.

4   Q.   Okay. And does MultiPlan have an agreement

5   with those companies to route claims to them?

6   MR. KING: Note my objection. Foundation.

7   You can answer.

8   THE WITNESS: Yes.

9   BY MR. LAVIN:

10   Q.   Okay. Does MultiPlan get paid a percentage

11   of the savings on those claims?

12   MR. KING: Same objection.

13   THE WITNESS: Yes.

14   BY MR. LAVIN:
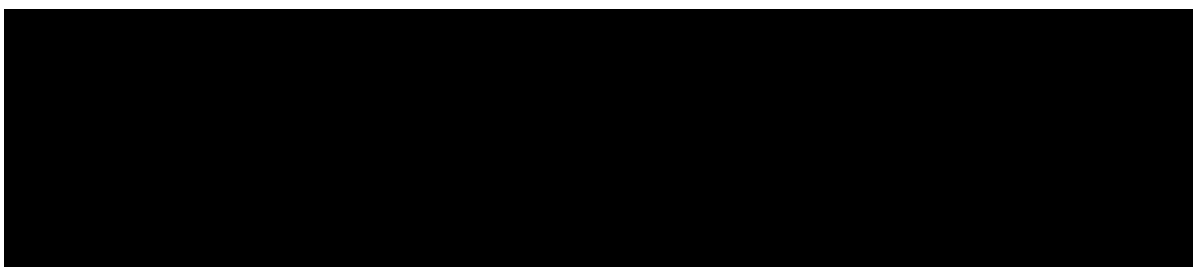
15   Q.   Okay. How is it determined whether a claim

16   will go to an extender network?

17   A.   It depends if that claim has that service in

18   the hierarchy.

19   Q.   So it would be a plan -- a plan-by-plan

20   thing; right? Is that correct? A policy by policy?

21   A.   It could be.

22   ███

23   ███

24   ███

25   ███

Page 152

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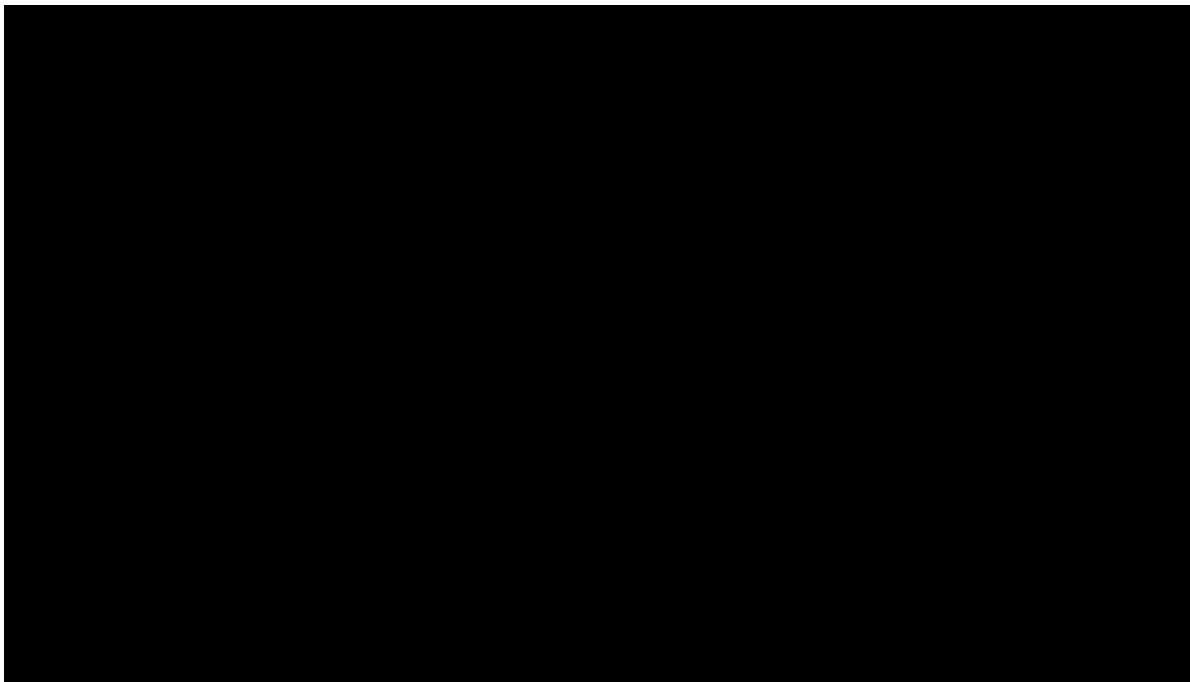
11   (Exhibit 21 was identified.)

12   BY MR. LAVIN:

13   Q.   No, they haven't; right?

14   MR. KING: The answer was "no."

15   THE WITNESS: Correct.

16   MR. LAVIN: That answered both -- both

17   conditions of my question.

18   BY MR. LAVIN:

19   Q.   All right.   Exhibit 21 is Plaintiffs' Third

20   Amended Class Action Complaint, and you've been

21   designated by MultiPlan as somebody able to testify

22   in this complaint.

23   Can you tell me which portions of this

24   complaint you are qualified to testify on?

25   MR. KING: Note my objection.

Page 153

1   MR. LAVIN: What are you objecting?

2   MR. KING: All right. You can go ahead and

3   ask -- I was reviewing something.

4   MR. LAVIN: Okay.

5   THE WITNESS: Section 5; right?

6   BY MR. LAVIN:

7   Q. You tell me. You're the --

8   A. I don't have it in front of me. I don't

9   have -- I don't have, because I can't bring anything

10   in front of me. I don't have the ones that are

11   designated exactly. I know what I'm supposed to be

12   testifying on, but I'd have to look at it.

13   Q. So all the facts under Section 5? Okay.

14   Well, I'm asking you that question not to be

15   difficult, but just so we don't have to go through

16   the whole thing, really.

17   All right. Have you reviewed this complaint

18   before?

19   A. Yes.

20   Q. When was the first time you reviewed it?

21   A. I reviewed it a couple weeks ago.

22   Q. All right. And did you review every single

23   page?

24   A. I reviewed my pages, yes.

25   Q. What -- I mean -- and what are your pages so

Page 154

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 1    we don't have to --

 2         A.   Well, I reviewed what I was designated to be

 3    representing.

 4         Q.   And you're -- you're saying that's the

 5    entirety of Section 5, the entire facts section;

 6    right?

 7              MR. KING:   I mean, where are you going with

 8    this, Matt?

 9              MR. LAVIN:   Well, I'm going to ask about

10    certain sections of the allegations in the complaint

11    and what MultiPlan's position is on those.

12              MR. KING:   Well, then, go ahead and ask the

13    question.   I don't know why we're hunting around

14    here.   This is just wasting time.

15              MR. LAVIN:   Okay.

16              MR. KING:   Ask her a question --

17              MR. LAVIN:   Well, I'm trying to slow it

18    down -- I mean I'm trying to -- all right.

19              MR. KING:   Well, I don't understand how that

20    is slowing it down or speeding it up.   I mean, if you

21    have a question about an allegation or complaint, ask

22    her.

23    BY MR. LAVIN:

24         Q.   Okay.   Let's go to Page 28.

25              MR. KING:   Are you at any point, Matt, where
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 155

1   are -- we could take a break, because it's 12: --

2   12:15 here in Denver. Is there -- are we --

3   MR. LAVIN: Yeah, we can take a break

4   whenever the witness wants to take a break.

5   MR. KING: Okay. I didn't want to interrupt

6   your flow.

7   THE WITNESS: Why don't we take a break,

8   because this sounds like this is going to be a while.

9   MR. LAVIN: Do you want to take a lunch

10   break, or do you want to --

11   THE VIDEOGRAPHER: Would you like to go off

12   the record, Counsel?

13   THE WITNESS: That would be great.

14   MR. LAVIN: Let's go off the record.

15   THE VIDEOGRAPHER: This is the end of Media

16   Number 2. Going off the record. The time is 11:16.

17   (Noon recess taken.)

18   THE VIDEOGRAPHER: We are back on the

19   record. The time is 11:55. This is the beginning of

20   Media Number 3.

21   BY MR. LAVIN:

22   Q. Good afternoon, Ms. Kienzle.

23   I believe we introduced exhibit -- let's

24   see. Exhibit 21, which is the Third Amended

25   Complaint in this case.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 156

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 1          And if you could go down to Paragraph 208,

 2   which is on Page 28.

 3          A.   Okay.

 4          Q.   And do you see that it says, "The SAF does

 5   not contain any charge information for intense

 6   outpatient substance use providers, like those whose

 7   claims are at issue here.  The SAF does not contain

 8   any charge data for non-participating providers."

 9          Are you qualified to testify on that topic

10   today?

11          A.   No.

12          Q.   Okay.

13          MR. KING:  And for the record, and for you,

14   Matt, we cross-designated representatives on these

15   topics for that purpose, for that reason right there

16   that you just brought up.

17          MR. LAVIN:   Okay.

18   BY MR. LAVIN:

19          Q.   And likewise, if we go to -- just one more I

20   want to check -- Paragraph 216, and there is a chart

21   that kind of flows over.

22          Do you see that -- that flow chart?

23          A.   I do.

24          Q.   And are you qualified to testify on that

25   flow chart today and its accuracy?
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Page 157

1   A.   From a business level standpoint.

2   Q.   Okay. Is that an accurate flow chart?

3   A.   I -- you would -- I -- you know, it's a flow

4   chart of how the claims come in when it gets into the

5   FRED software and all of that. I'm not at that level

6   of detail.

7   Q.   Okay. Is there anything in this flow chart

8   that you would say is inaccurate?

9   A.   Well, I believe that the claim comes in --

10   this is the target price; right? Is that what we're

11   looking at right here?

12   No, I -- I think it -- you're going to have

13   to refer to Sean, but it does not -- United assesses

14   the type of claim by billing code and provider, then

15   sends it to MultiPlan with the target price. United

16   does not send the target price.

17   Q.   Anything else in there?

18   A.   Multi -- I mean, I -- it does -- I mean,

19   it's high level, but I don't think it's -- accurately

20   reflects the claim flow.

21   Q.   You don't think it's completely accurate?

22   A.   No, I do not.

23   Q.   Do you think Sean Crandell could testify on

24   it?

25   A.   Yes.

Page 158

 1   Q.   All right.   Let's go to the next page,

 2   Page 31, and I'm looking at Paragraph 220.

 3   Do you see it?

 4   A.   I do.

 5   Q.   And do you know what a Client Advisory Board

 6   meeting is?

 7   A.   Yes, it's a meeting that we bring our

 8   clients to on an annual basis.   And it is a meeting

 9   to talk about industries, bring in industry experts,

10   and it's a place for social and -- where the members,

11   the group that comes can talk amongst their peers.

12   Q.   Is that an event that's open to all

13   MultiPlan customers or just United?

14   A.   No, it's all MultiPlan customers.

15   Q.   Okay.   Have you had that event in the past

16   few years with COVID?

17   A.   I believe we didn't have it in 2020.

18   Q.   But 2021 you did have one?

19   A.   Yes.

20   Q.   And do you usually attend that meeting?

21   A.   I do.

22   Q.   Are there others -- who are the others from

23   the United team who attend that meeting?

24   A.   It all depends, but we invite United --

25   MR. KING: You're talking about the 2021

Page 159

1   meeting, Matt?

2   MR. LAVIN: Yes, the most recent one.

3   MR. KING: Okay.

4   THE WITNESS: Gosh, I would have to think

5   off the top of my head who came from United on 2021.

6   I know that we had UMR representatives, we have a

7   student resources, we have Golden Rule, we have folks

8   from the payment integrity side.

9   BY MR. LAVIN:

10   Q. Golden Rule and UMR you mentioned, and are

11   those United affiliates?

12   A. They are.

13   Q. Is Oxford also a United affiliate?

14   A. It is.

15   Q. Do any of those -- do you have

16   responsibility for their business as well?

17   A. Yes.

18   Q. Do UMR, Golden Rule, and Oxford utilize

19   Viant OPR?

20   A. Golden Rule and Oxford do.

21   Q. Are you familiar with UNET?

22   A. Yes.

23   Q. What is UNET?

24   A. It's the claims platform that United

25   administers their claims on.

Page 160

1   Q.   Are Oxford, Golden Rule, and UMR on the UNET

2   platform?

3   A.   No.

4   Q.   So they are separate platforms?

5   A.   Correct.

6   Q.   Does Rebecca Paradise have responsibility

7   for, if you know, out-of-network programs for those

8   United affiliates?

9   A.   No.

10   Q.   Does she have a counterpart at those

11   affiliates?

12   MR. KING: Objection.

13   You can answer.

14   THE WITNESS: Yeah, I mean, I deal with

15   different folks at those locations; so I don't know

16   her relationship with them from a company standpoint.

17   BY MR. LAVIN:

18   Q.   When you meet with UMR, is that a completely

19   separate meeting from meeting with United -- you

20   would never meet with United and UMR executives

21   together at the same time, would you?

22   A.   No.

23   Q.   And there were other MultiPlan customers at

24   the client advisory board meetings.

25   Did CIGNA attend the client advisory board

Page 161

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 1    meetings?

 2              MR. KING:   2021?

 3    BY MR. LAVIN:

 4         Q.   2021.

 5         A.   Yes.

 6         Q.   How about is Aetna a MultiPlan customer?

 7         A.   They are.

 8         Q.   Were they there?

 9         A.   I -- I don't recall.  I --

10         Q.   Okay.  Do you know if Blue Cross Blue Shield

11    entities are MultiPlan customers?

12         A.   There are some, yes.

13         Q.   Do you know how many Blue Cross Blue Shield

14    entities are MultiPlan customers?

15         A.   I do not.

16         Q.   Okay.  Is United MultiPlan's biggest

17    customer?

18         A.   Yes.

19         Q.   Do you know by a factor of -- who is

20    MultiPlan's second biggest customer?

21              MR. KING:   I'm going to instruct the witness

22    not to answer that.

23              MR. LAVIN:   Why?

24              MR. KING:   We're not going to -- we're not

25    going to talk about other clients' business,
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Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 163 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 162

 1   including how large they are and how big a client

 2   they are.

 3   MR. LAVIN: Well, I think it's important.

 4   United's importance to MultiPlan, to this case, as

 5   far as that relationship. And I don't -- I mean,

 6   this is a -- this is a discovery deposition. I don't

 7   know how you can --

 8   MR. KING: I understand, but that's just --

 9   Matt, that's the position I have to take.

10   MR. LAVIN: Okay.

11   MR. KING: We'll stipulate that United is

12   MultiPlan's largest customer by revenue and has been

13   for a number of years.

14   MR. LAVIN: But you will not allow the

15   witness to answer who their second largest customer

16   is?

17   MR. KING: Correct. That's correct. My

18   hands are tied on that.

19   MR. LAVIN: What does that mean? You have

20   instructions from MultiPlan?

21   MR. KING: Right. And we did -- this came

22   up in the Fremont deposition of Susan Mohler last

23   year. Same thing. It was the same thing there. You

24   asked a question about Cigna, and I instructed her

25   not to answer for the same reason.

Page 163

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 1            MR. LAVIN:  I don't remember that.
 2     BY MR. LAVIN:
 3         Q.  Where was the location of the last client
 4     advisory board meeting?
 5         A.  It was in Laguna.
 6         Q.  Okay.  Is there a meeting planned for this
 7     year?
 8         A.  There is.
 9         Q.  Where is that meeting going to be held?
10         A.  I believe in San Diego.
11         Q.  Is the Viant methodology discussed at those
12     meetings?
13         A.  It is not.
14         Q.  What is discussed at those meetings?  Are
15     any specific pricing solutions discussed at those
16     meetings?
17         A.  No.
18         Q.  Okay.  How often do you meet in person with
19     representatives from UnitedHealthcare?
20         A.  Pre-COVID, we were meeting in person on a
21     quarterly basis.
22         Q.  How often do you communicate with Rebecca
23     Paradise?
24         A.  As-needed basis, but I -- I have a biweekly
25     call with her.
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 164

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 1          Q.   How long have you known Rebecca Paradise?

 2          A.   Since she came over to the shared savings

 3   world in 2018.

 4          Q.   Who is Rebecca Paradise's predecessor in her

 5   current position?

 6          A.   Sarah Peterson.

 7          Q.   Did you -- how often did you meet with Sarah

 8   Peterson?

 9          A.   I would say it was the same thing, on a

10   quarterly basis, and then as needed.

11          Q.   Are there -- are there names for your

12   regular meetings?

13          A.   Quarterly -- regular meetings?

14               MR. KING:  You mean the biweekly meetings?

15   BY MR. LAVIN:

16          Q.   The biweekly meetings.

17          A.   No.  Biweekly, catch-up meetings.

18          Q.   Do you prepare an agenda for those meetings?

19          A.   No.

20          Q.   They're just kind of ad hoc?

21          A.   Yes.

22          Q.   Do you -- do you send emails to each other

23   about the topics to be covered in the biweekly

24   meetings?

25          A.   No.
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Page 165

1   Q. Do you remember your last biweekly meeting?

2   A. I think it was a couple weeks ago.

3   Q. Do you remember what was discussed at that

4 meeting?

5   A. No, I do not.

6   Q. Have you discussed this case with Rebecca

7 Paradise?

8   A. No.

9   Q. Have you discussed the fact that you're

10 being deposed today with Rebecca Paradise?

11   A. No.

12   Q. Do you text Rebecca Paradise?

13   A. No.

14   Q. Do you have a personal relationship with

15 her, or is it a strictly professional relationship?

16   A. It's a professional relationship.

17   Q. Have you discussed that you're being deposed

18 today with anybody else at UnitedHealthcare?

19   MR. KING: Objection. Asked and answered.

20   But you can answer.

21   THE WITNESS: No.

22 BY MR. LAVIN:

23   Q. Are you familiar with the Network Access

24 Agreement?

25   A. I am.

Page 166

1   Q.   And we'll look at it in a little bit, but

2   who negotiates the Network Access Agreement on behalf

3   of MultiPlan?

4   MR. KING: Are you talking about presently

5   or at inception?

6   MR. LAVIN: Well, we can go back -- let's

7   talk about starting in 2015.

8   THE WITNESS: I was involved in the

9   discussions with the Network Access Agreement in

10   2015.

11   BY MR. LAVIN:

12   Q.   Okay.   And who was the representative from

13   United, starting in 2015?

14   A.   That would probably be Sarah Peterson.

15   Q.   Is Rebecca Paradise the person now

16   responsible for negotiating the Network Access

17   Agreement?

18   A.   Yes.

19   Q.   Would you consider the Network Access

20   Agreement the agreement that controls the

21   relationship between United and MultiPlan?

22   A.   Yes.

23   Q.   Okay.   Let's go to Exhibit 22.

24   (Exhibit 22 was identified.)

25   ///

Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 168 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 167

 1   BY MR. LAVIN:

 2   Q.   Take a minute to look at that.

 3   Exhibit 22 is MultiPlan's Answer to

 4   Plaintiffs' Second Amended Complaint. You've been

 5   designated as an individual from MultiPlan qualified

 6   to testify on this answer.

 7   Have you ever seen this document before?

 8   MR. KING: Noted that we also designated two

 9   others as well.

10   THE WITNESS: Yes.

11   BY MR. LAVIN:

12   Q.   When was the first time you saw this

13   document?

14   A.   A couple weeks ago.

15   Q.   So you said, "a couple weeks ago." Did --

16   were you sent documents to review in preparation for

17   this deposition a few weeks ago?

18   A.   Yes.

19   Q.   Do you know what an affirmative defense is?

20   A.   Yeah. I mean, it's our defense.

21   Q.   All right. Have you reviewed MultiPlan's

22   affirmative defenses in this action?

23   A.   Yes.

24   Q.   So could we go to Page 41. There are

25   43 affirmative defenses here, and you've reviewed all

Page 168

1   of them?

2   A.   I -- I looked at them, yes. I looked at

3   them.

4   MR. KING: She's not to Page 41 yet.

5   MR. LAVIN: Okay.

6   THE WITNESS: Okay. I'm there.

7   BY MR. LAVIN:

8   Q.   If we go to -- so that's where they start.

9   And I want to go ahead to Page 43, which is the --

10   and there's a tenth affirmative defense.

11   It says, "Fraud/improper conduct by third

12   parties. Plaintiffs' claims and the claims of

13   punitive class members are barred in whole or in part

14   to the extent they relate to services and/or fees

15   improperly billed, coded, or charged by medical

16   providers to other third parties."

17   Do you see that?

18   A.   Yes.

19   Q.   Are you aware of any evidence supporting

20   that defense?

21   A.   Yes.

22   Q.   What is that evidence?

23   A.   That would be the case at hand with Summit

24   Estate.

25   Q.   Okay. What -- can you be more specific?

Page 169

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1        A.   No.

2        Q.   Can you identify -- so is there any specific

3   evidence that you can point to supporting that

4   affirmative defense?

5        A.   No.

6        Q.   A specific document or anything?

7             Is there any specific evidence you can point

8   to supporting any of MultiPlan's affirmative defenses

9   in this action?

10       A.   I would just go back to the claims at hand.

11       Q.   And what does that mean?

12       A.   The claims that this case is about from

13   Summit Estates.

14       Q.   So the Summit Estate claims of the named

15   plaintiffs?  Is that what you're referring to?

16       A.   Yes.

17       Q.   The intensive outpatient H0015 claims?  Is

18   that what you mean?

19       A.   If those are part of that, yes.

20       Q.   Okay.  And are those fraudulent?

21       A.   Yes.

22       Q.   How are they fraudulent?

23       A.   I -- you would have to get into the details

24   with HCE and Sean.

25       Q.   So you're not aware of any way that they're
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Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 171 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 170

1   fraudulent?

2   A.   Yes.   I -- I -- you would have to defer that

3   to Sean.

4   Q.   Okay.   So you're not qualified to answer

5   that one.   Okay.

6   Are there any, as we sit here right now -- I

7   guess my question on these affirmative defenses is

8   are you aware of any evidence that supports any of

9   these affirmative defenses?

10   MR. KING: I'm going to object.   Many of the

11   affirmative defenses are legal defenses.   You know

12   that, Matt.

13   MR. LAVIN: Yeah, I'm asking about the

14   factual ones.

15   MR. KING: I mean, Article III defense?   I

16   mean, come on.

17   BY MR. LAVIN:

18   Q.   Are you aware of -- if you look at the

19   24th affirmative defense, Page 46.   It says,

20   "Plaintiffs' claims and the claims of the punitive

21   class members are barred in whole or in part to the

22   extent they were released in settlements or other

23   agreements."

24   Do you see that?

25   A.   I do.

Page 171

1   Q.   Are you aware of any settlements or other

2   agreements releasing the claims of the punitive class

3   members or of the punitive -- or of the

4   representatives of the punitive class?

5   MR. KING: Noted that this is a legal

6   defense, but the witness can answer.

7   THE WITNESS: No.

8   BY MR. LAVIN:

9   Q.   All right.   Did you review this document

10   before it was filed?

11   A.   No.

12   Q.   All right.   Let's move on to the next

13   Exhibit, Exhibit 23.

14   (Exhibit 23 was identified.)

15   BY MR. LAVIN:

16   Q.   Exhibit 23 bears Bates Numbers MPI-5683

17   through MPI-5705.

18   A.   Okay.   I'm ready.

19   Q.   Do you recognize this document?

20   A.   I've seen it, yes.

21   Q.   And what is it?

22   A.   It's a document that talks about our current

23   results, gives a competitive analysis, and

24   recommended action.

25   Q.   Do you remember this presentation?

Page 172

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 1        A.   I don't recall if I was specifically at the

 2   presentation or not.

 3        Q.   So you talked about the quarterly

 4   presentations.  This is a quarterly presentation?

 5        A.   This is not a quarterly presentation.

 6        Q.   This would have been -- this is March 2017.

 7             Do you typically give a presentation to

 8   United in March of every year?

 9        A.   We usually typically give it to them after

10   the quarter ends.

11        Q.   Okay.  Is that --

12        A.   It could be March.  It could be April.

13        Q.   Do you present that to them in person?

14        A.   Pre-COVID, we would always be in person.

15        Q.   And where would you go for those meetings?

16        A.   Usually Minneapolis, but they have come to

17   our offices from time to time.

18        Q.   And where are those offices located?

19        A.   We have an office in Dallas.  We have an

20   office in Naperville.  We have an office in New York.

21        Q.   And has United been to all --

22   representatives from United been to all three of

23   those offices?

24        A.   I think -- I'm not sure if Becky has been to

25   the Naperville office, but from, you know, prior
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 173

1   relationships with other folks at -- for the shared

2   savings, they've been to all three of those offices.

3   Q.   All right. Do you think this presentation,

4   looking at it here, March 28, 2017, was an in-person

5   presentation to United?

6   MR. KING: Note my objection.

7   You can answer.

8   THE WITNESS: I -- just looking at it, it

9   could be.

10   BY MR. LAVIN:

11   Q.   Do you sometimes give presentations over

12   Zoom?

13   A.   If it's 2017, I don't think we were doing

14   Zoom or web -- web presentations at that time.

15   Q.   Okay. So it would have probably been in

16   person?

17   A.   Could have been in person.

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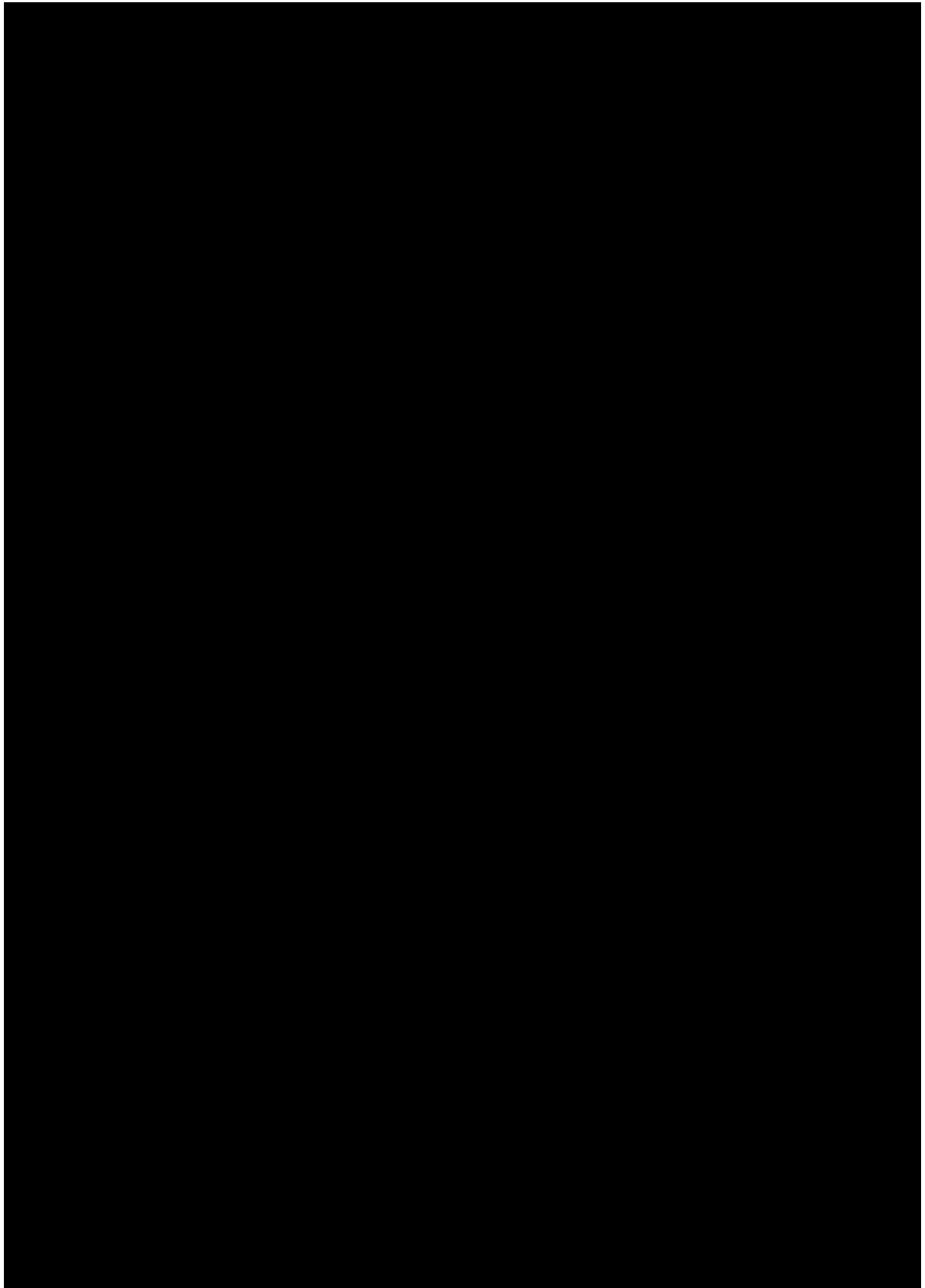
CONF AEO 30(b)(6) Jacqueline Kienzle July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 174

Page 175

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 176

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Page 177

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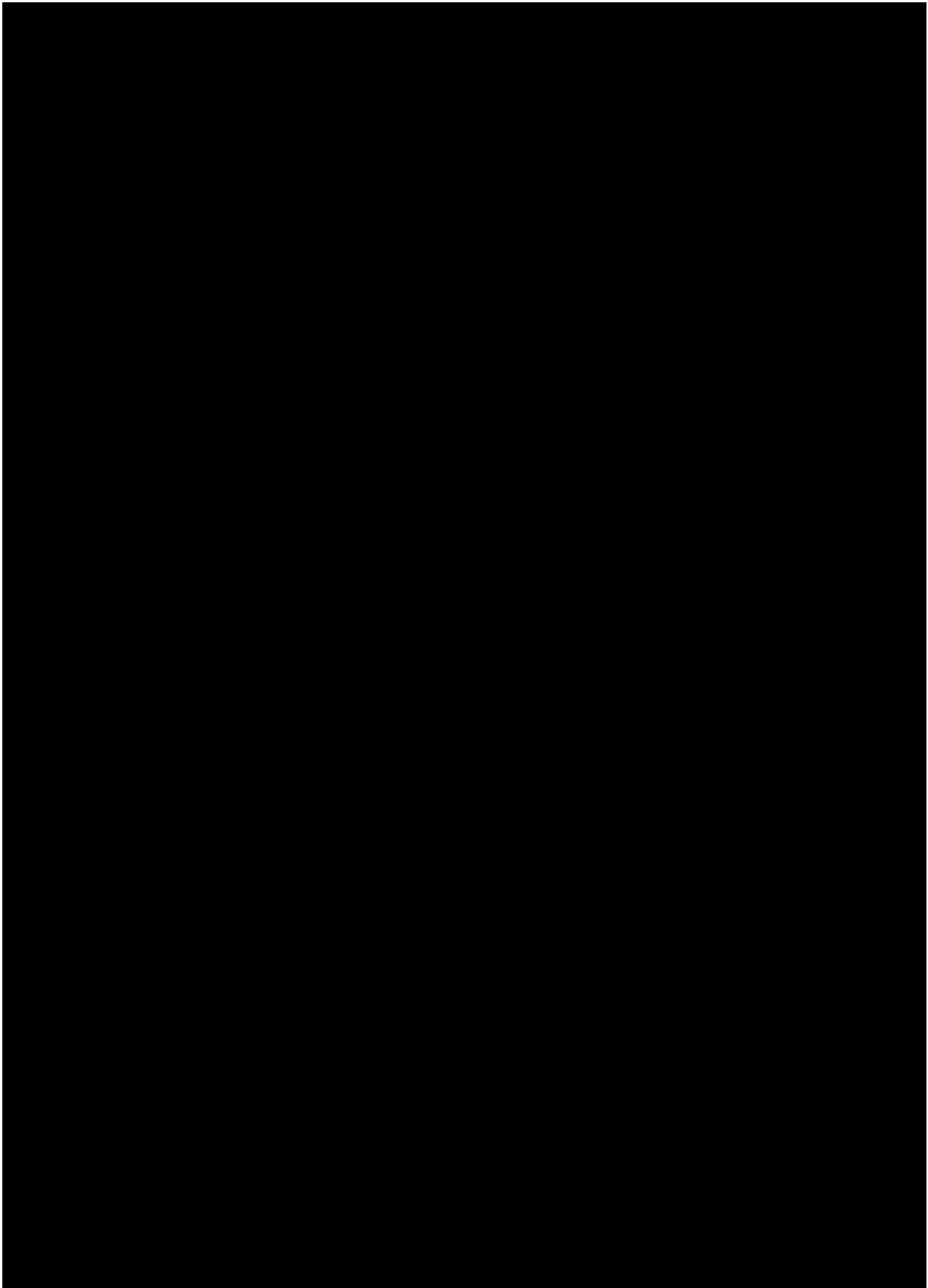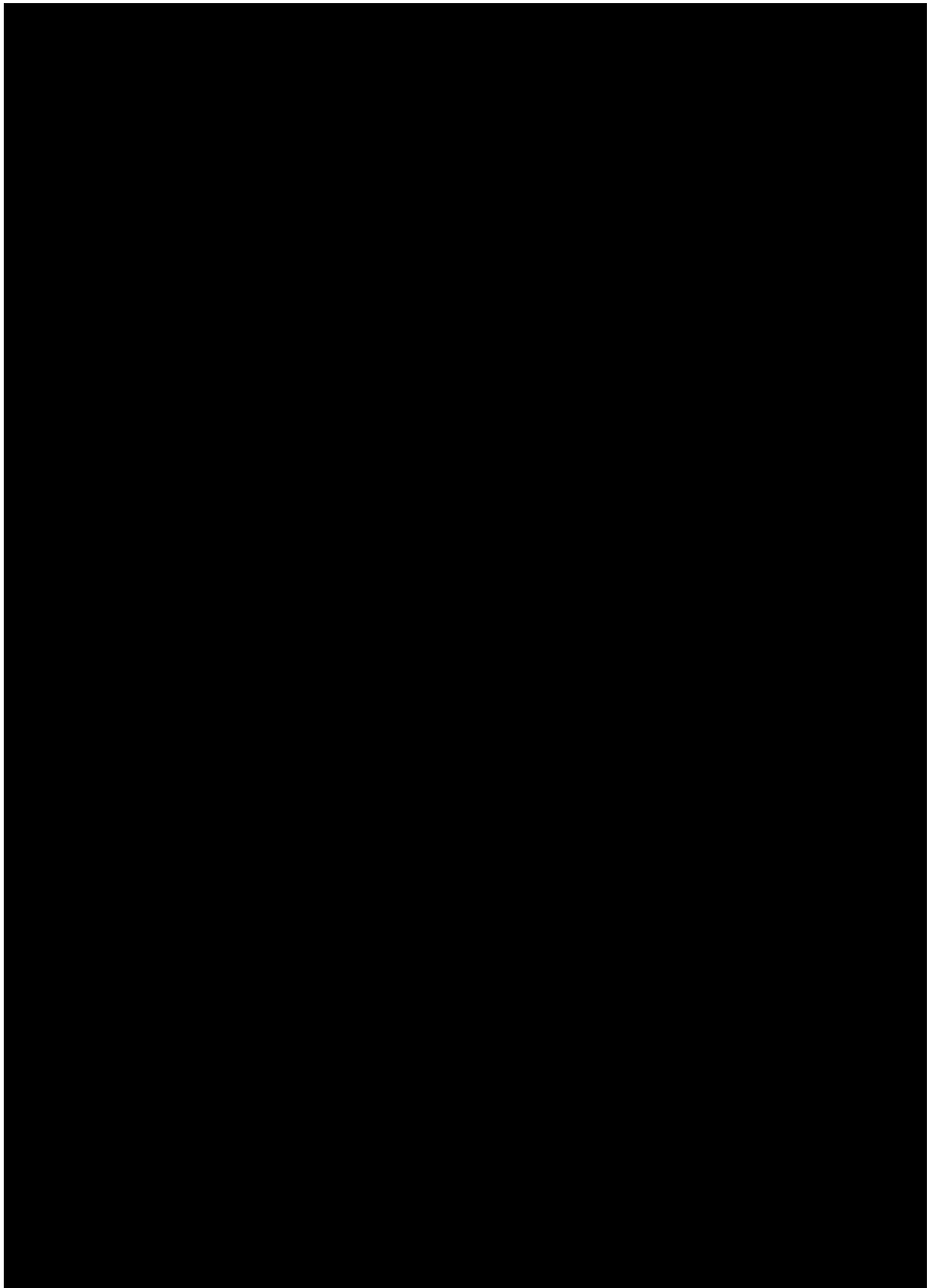
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22   Q.   And when you say "packages," so there are

23   different packages per policy or per plan, per

24   employer group or plan?

25   A.   What they purchased, yes.

Page 178

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 1        Q.  And who -- who pitches those packages to

 2   United's employer group customers?

 3        A.  You'd have to ask United.

 4        Q.  But you're never involved in those

 5   discussions?

 6        A.  Nope.

 7        Q.  And let's go to the next Exhibit.

 8            (Exhibit 24 was identified.)

 9   BY MR. LAVIN:

10        Q.  So Exhibit 24, I believe, Bates Numbers

11   MPI-5820 through 5823.

12        A.  Okay.

13        Q.  All right.  And do you recognize this

14   document?

15        A.  I was not a part of this -- well, I see it,

16   and I -- I -- but I wasn't a part of -- I get copied

17   on a lot of things.  I mean --

18        Q.  Correct.

19        A.  -- at a high level, I can read it, but I

20   wasn't part of the day to day.  That's handled by my

21   account manager.

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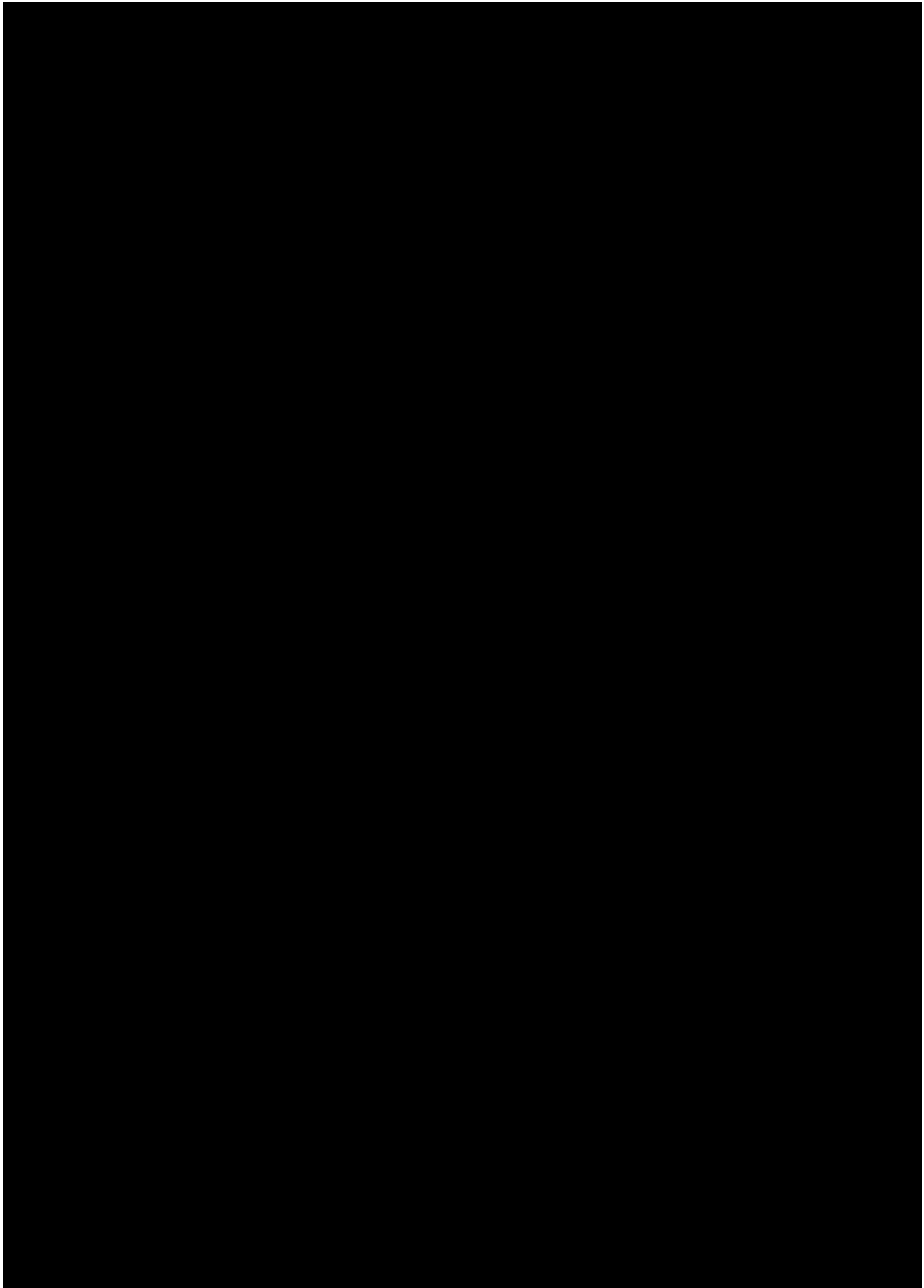
Page 179

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 180

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9   Q.   Okay. Let's go to the next exhibit,

10   Exhibit 25.

11   (Exhibit 25 was identified.)

12   BY MR. LAVIN:

13   Q.   Exhibit 25 bears Bates Numbers MPI-2410

14   through MPI-2416.

15   MR. KING: I don't have it.

16   THE WITNESS: I don't either.

17   MR. KING: We don't have it yet.

18   MR. LAVIN: Okay.

19   THE WITNESS: Okay. I'm ready. I'm just

20   reading it.

21   BY MR. LAVIN:

22   Q.   Okay. This is an email from Karen Beckstead

23   to Matthew Butler.

24   Who is Karen Beckstead?

25   A.   Karen Beckstead works in the Healthcare

Page 181

1   Economics department.

2   Q.   Is she still at MultiPlan?

3   A.   Yes.

4   Q.   Does she work on Viant calculations?

5   A.   Yes.

6   MR. KING: Object to the form of the

7   question, but she answered it.

8   BY MR. LAVIN:

9   Q.   And if you look further down, who is

10   JR Moss?

11   A.   JR Moss is an operations person that is in

12   charge of the Viant IPR/OPR.

13   Q.   If we look at -- does Matthew Butler also go

14   by the name Robb?

15   A.   Yes.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 182

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 183

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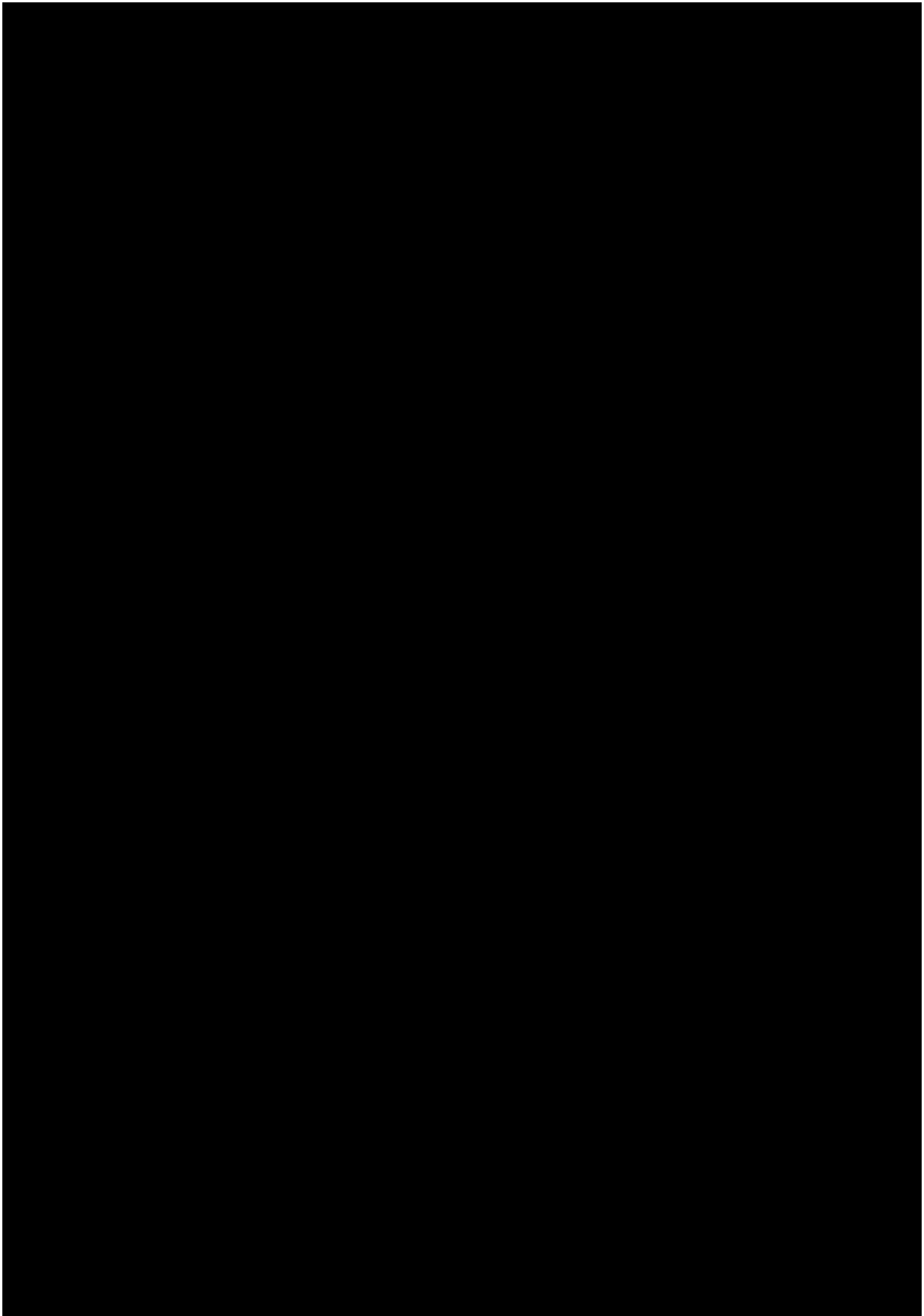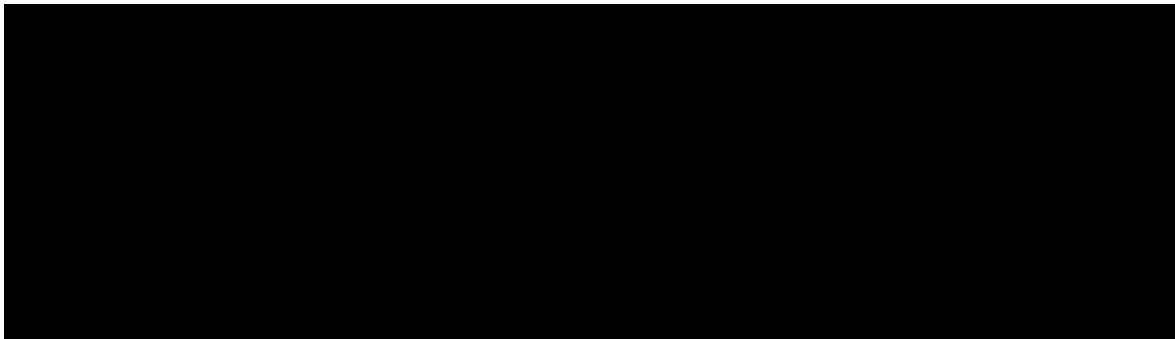
6   Q.   Right.

7   I'm just wondering if this is a template of

8   something that United provides to its customers on

9   request.

10   A.   I think you'd have to ask United.

11   Q.   Or rather that MultiPlan provides to its

12   customers at their request.

13   MR. KING: Yeah, I was going to correct the

14   question, but I didn't know if it was a legitimate

15   question of United.

16   THE WITNESS: We have -- we have provided it

17   to United in the past.

18   BY MR. LAVIN:

19   Q.   Okay. So you have seen this form before?

20   A.   Yes.

21   MR. KING: Note my objection to the form of

22   the question.

23   THE WITNESS: Sorry.

24   MR. LAVIN: Let's move on to 26, Exhibit 26.

25   (Exhibit 26 was identified.)

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 184

1   BY MR. LAVIN:

2   Q.   Exhibit 26 bears Bates Numbers UHC9781, and

3   then there is a native attachment to it with Bates

4   Number UHC9782.

5   MR. KING: We have it.

6   THE WITNESS: Yeah. Sorry. I'm going to

7   get close.

8   BY MR. LAVIN:

9   Q.   Is it able to zoom up? Is there, like, a --

10   A.   Yeah, it is.

11   Q.   Okay.

12   A.   Small laptop. Okay.

13   Q.   Do you recognize this document?

14   A.   No.

15

16

17

18

19

20

21   Do you see that?

22   A.   Okay.

23   Q.   My question for you is this -- this

24   spreadsheet that's attached here, is this something

25   you've ever seen before? Is this prepared by

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 185

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 1    MultiPlan?

 2         A.   I've never seen this.

 3         Q.   Okay.  Let's move on, then.

 4              We're going to skip ahead, and we're going

 5    to go to Tab 28 as the next exhibit.

 6              (Exhibit 27 was identified.)

 7              MR. KING:  I have 27.

 8    BY MR. LAVIN:

 9         Q.   Exhibit 27 has Bates Numbers MPI-7749

10    through MPI 7781.

11              MR. KING:  Are we looking at 28 or 27?

12              THE WITNESS:  Oh.

13    BY MR. LAVIN:

14         Q.   So don't look at the file name.

15         A.   It's -- I don't have Exhibit 28.  You're

16    saying --

17         Q.   Exhibit 27.

18         A.   Okay.

19              MR. KING:  Yeah, that's what we have.

20    BY MR. LAVIN:

21         Q.   That's right.  Exhibit 27 bears Bates

22    Numbers MPI-7749 through 7781.

23         A.   Okay.

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Page 186

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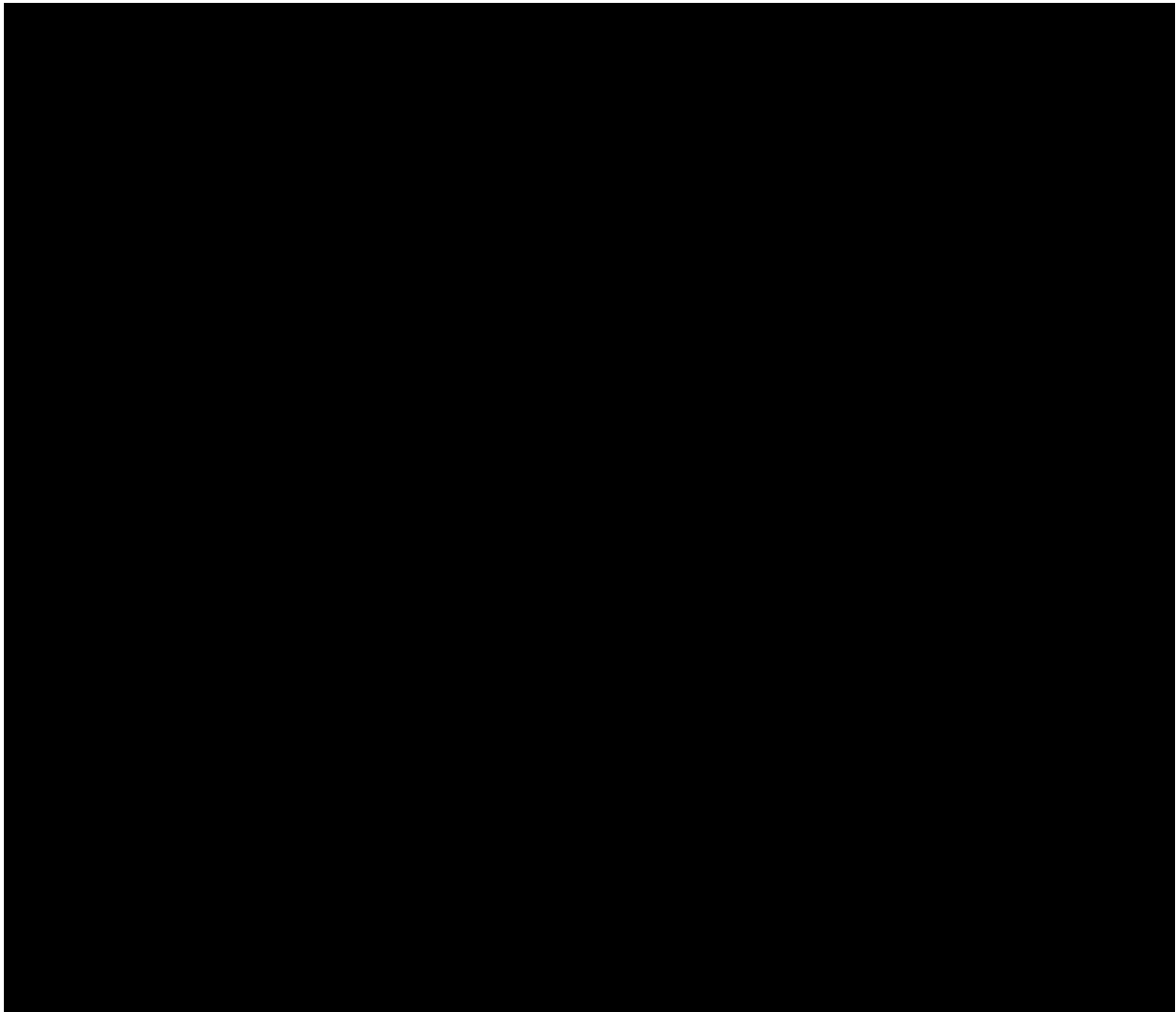
16   Q.   Okay.   If you go to Page 7768, there is a

17   Sample Patient Script.

18   Do you see that?

19   A.   Okay.

20   Q.   Have you ever seen that document before?

21   A.   No.

22   Q.   Do you have any involvement in developing

23   scripts for Viant?

24   A.   No. No.

25   Q.   Who would be responsible for that?

Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 188 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 187

1   A.   You would have to ask Kathy Praxmarer.

2   Q.   If you go to the next page, the sample

3   provider script, same answer? Kathy Praxmarer?

4   A.   Yes.

5   Q.   If you go to the next page, it says, "Call

6   from UnitedHealthcare."

7   Do you know who would be qualified to

8   testify about that script?

9   A.   It would be -- you would have to go back to

10   Kathy Praxmarer.

11   Q.   Okay. If we go ahead to Page 7771.

12   Do you recognize that document?

13   A.   It is our patient advocacy letter.

14   Q.   Okay. Do you recognize this format of the

15   patient advocacy letter?

16   A.   I have seen it, but I don't work with it.

17   Q.   Do you know when the patient advocacy letter

18   for United was last updated?

19   A.   I know it was updated, but I don't have the

20   specific date.

21   Q.   Do you know if it was updated last year?

22   A.   I believe it was updated again. I don't

23   know if it was last year, or if it was this year. I

24   don't have the details.

25   Q.   Okay. So it may have been updated this

Case 4:20-cv-02254-YGR Document 323-10 Filed 07/16/23 Page 189 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 188

 1   year?

 2   A.   It may have been updated this year.

 3   MR. KING: Note my objection.   Kathy

 4   Praxmarer will testify as to -- as to that topic.   To

 5   that detail.   To that level of detail is what I

 6   meant.

 7   MR. LAVIN: Okay.

 8   BY MR. LAVIN:

 9   Q.   We'll go to the next page.   It says 772 is

10   the Bates number, and it's APC source letter.

11   Is that a document that you're familiar

12   with?

13   A.   I've heard of a source letter, but I'm not

14   involved with source letters.

15   Q.   Okay.   Is that Kathy Praxmarer?

16   A.   Yes.

17   Q.   If we go ahead to Page 779 -- actually,

18   let's go to 778.   I'm sorry.

19   778 says, "Negotiation Agreement."

20   A.   Uh-huh.

21   Q.   And this is a document you're familiar with?

22   A.   I'm familiar with a negotiation agreement.

23   Q.   Okay.   And you've seen these before?

24   A.   I have.

25   Q.   What is a negotiation agreement for?

Page 189

1   A.   It's an agreement that we -- the provider

2   enters in with us in our negotiation, and it's a

3   signed document.

4   Q.   Okay.   It's signed by the provider; is that

5   right?

6   A.   Yes.

7   Q.   And do you know if this document, as it is

8   right here, is currently still in use at MultiPlan?

9   A.   You would have to ask Kathy Praxmarer.

10   Q.   Okay.   Does she have responsibility for

11   those?

12   A.   Yep.

13   Q.   All right.   The next page, "Letter to

14   Patient After Final Negotiation."

15   Is that also Kathy Praxmarer?

16   A.   Yes.

17   Q.   So let's skip ahead to the next exhibit.

18   (Exhibit 28 was identified.)

19   BY MR. LAVIN:

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Page 190

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5   Q.   Okay.   And this is maintained in the

6   ordinary course of business?

7   A.   Yes.

8   Q.   And does this document have a name?

9   MR. KING: Don't guess.

10   THE WITNESS: I'm not going to guess, yeah.

11   That's something you have to ask Mark.

12   BY MR. LAVIN:

13   Q.   Do you look at this document from time to

14   time?

15   A.   I do.

16   Q.   Where is this document kept?   Where is it

17   stored?

18   A.   I do not know.

19   Q.   How do you access it when you want to go

20   look at it?

21   A.   I get it received to me by email.

22   Q.   So you get it in Excel format?

23   A.   Yes.

24   Q.   And how often does Mr. Edwards send you this

25   document?

Page 191

1   MR. KING: Note the objection.

2   You can answer.

3   THE WITNESS: I would say that he probably

4 sends it to me every couple weeks.

5 BY MR. LAVIN:

6   Q. All right. Do you meet with Mr. Edwards to

7 go over that document?

8   A. We will have conversations. You know, we

9 meet regularly, but, you know, one-offs, yes.

10   Q. How often do you meet with Mr. Edwards in

11 person?

12   A. In person?

13   Q. Yes.

14   A. I haven't seen Mark since COVID hit.

15   Q. Let's go to the next exhibit, please.

16   (Exhibit 29 was identified.)

17 BY MR. LAVIN:

18   Q. Next exhibit is Exhibit 29, bears Bates

19 numbers MPI-5635 through 5638.

20   A. Okay.

21   Q. And do you recognize this document?

22   MR. KING: Hold on, Matt. I've lost

23 connection. It says it's reconnecting. I guess

24 something flipped here with our WiFi.

25   Have you looked at it?

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 192

1   THE WITNESS: I have.

2   BY MR. LAVIN:

3   Q.   Okay. Do you know what this document is?

4   A.   I mean, I can read it, but I -- I don't

5   recall what we were looking at.

6   Q.   Okay.

7   A.   I can --

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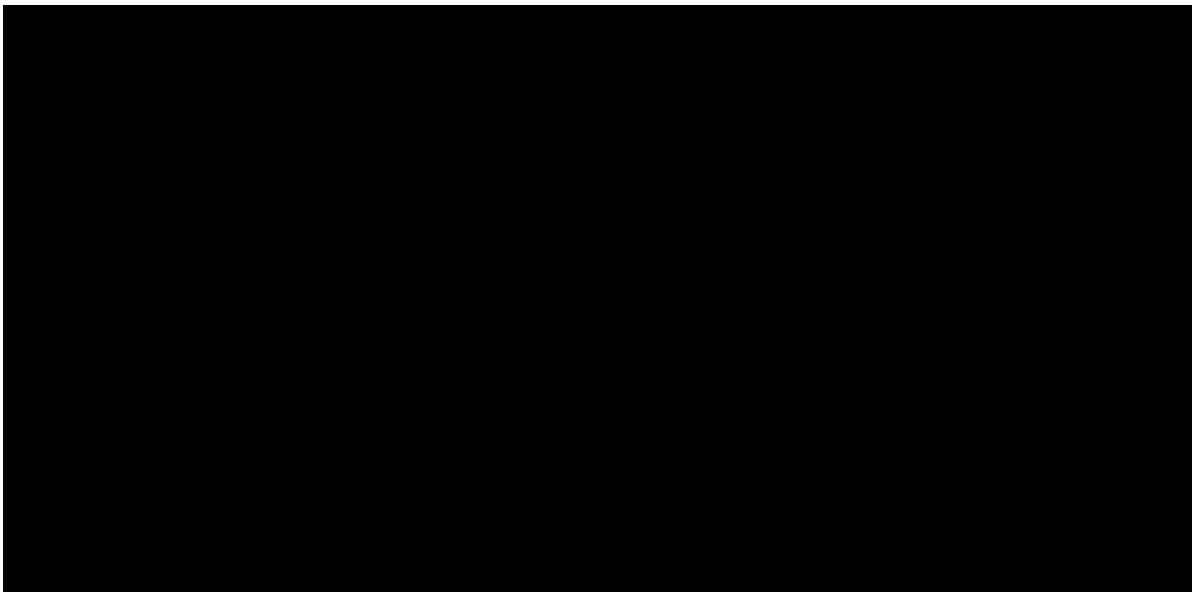
10   MR. KING: Hey, Matt, can we take a break?

11   MR. LAVIN: For your computer? Sure.

12   MR. KING: Yeah.

13   THE VIDEOGRAPHER: Would you like to go off

14   the record now?

15   MR. LAVIN: Yeah, let's go off the record.

16   THE VIDEOGRAPHER: This is the end of Media

17   Number 3. Going off the record. The time is 12:53.

18   (Recess taken.)
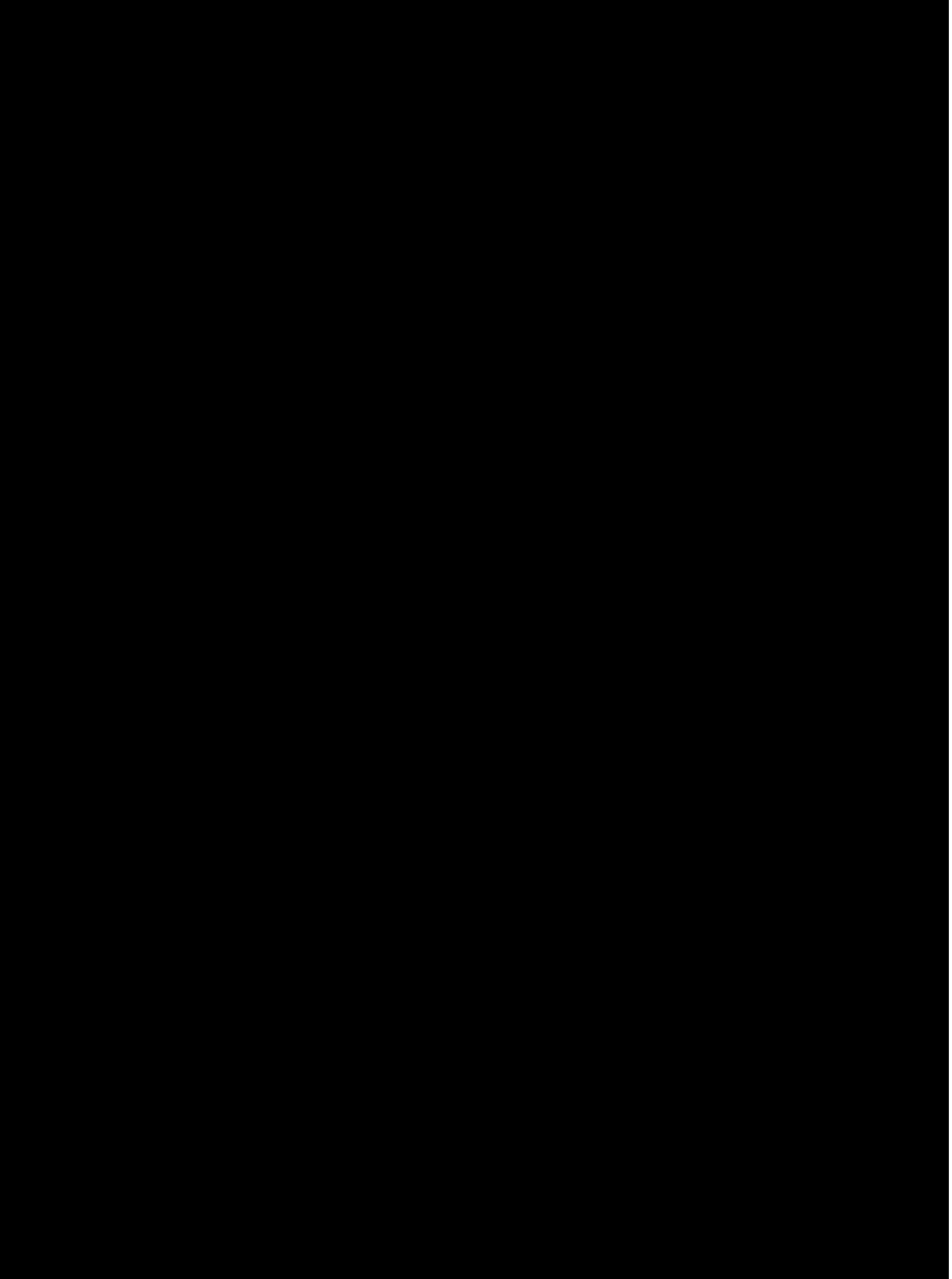
19   THE VIDEOGRAPHER: We are back on the

20   record. The time is 1:05. This is the beginning of

21   Media Number 4.

22   MR. LAVIN: Okay. Let's go to the next

23   exhibit, which is under Tab 31.

24   (Exhibit 30 was identified.)

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Page 194

1   BY MR. LAVIN:

Page 195

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Page 196
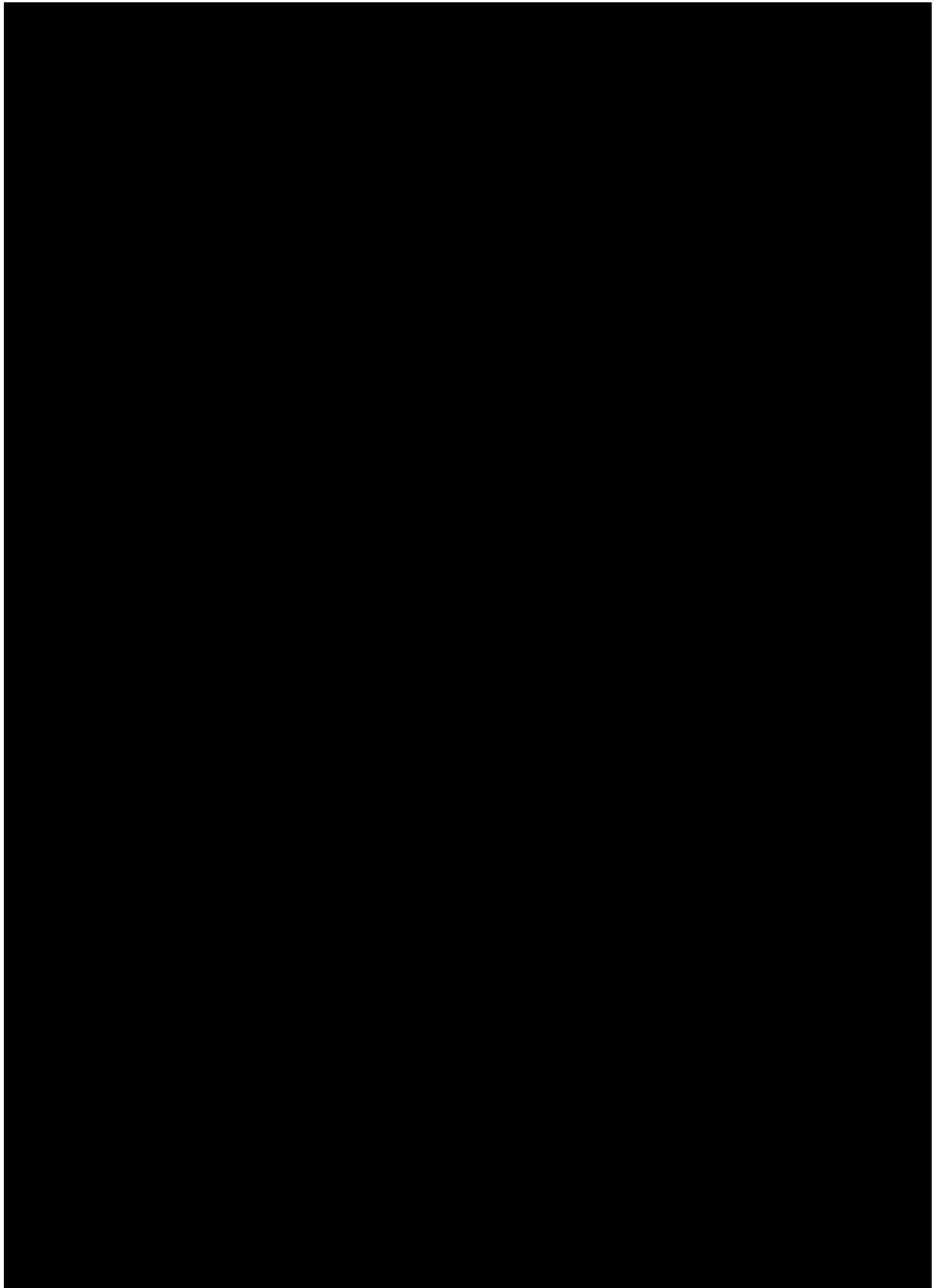
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7   Q.   Okay. Is that a file name for MultiPlan?

8   A.   I don't know if that's a file name for

9   MultiPlan, or if that's their name that United gave

10   it.

11   Q.   Let's move on to the next exhibit, which is

12   under Tab 33.

13   (Exhibit 31 was identified.)

14   BY MR. LAVIN:

15   Q.   Exhibit 31 has Bates Numbers 8209 through

16   78062 -- excuse me. UHC8209 through UHC78062.

17   A.   Are we in 31 or 30? I'm sorry.

18   Q.   31.

19   A.   Okay. Okay.

20   Q.   Do you recognize this document?

21   A.   Yes.

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23 ███████████████████████████████████

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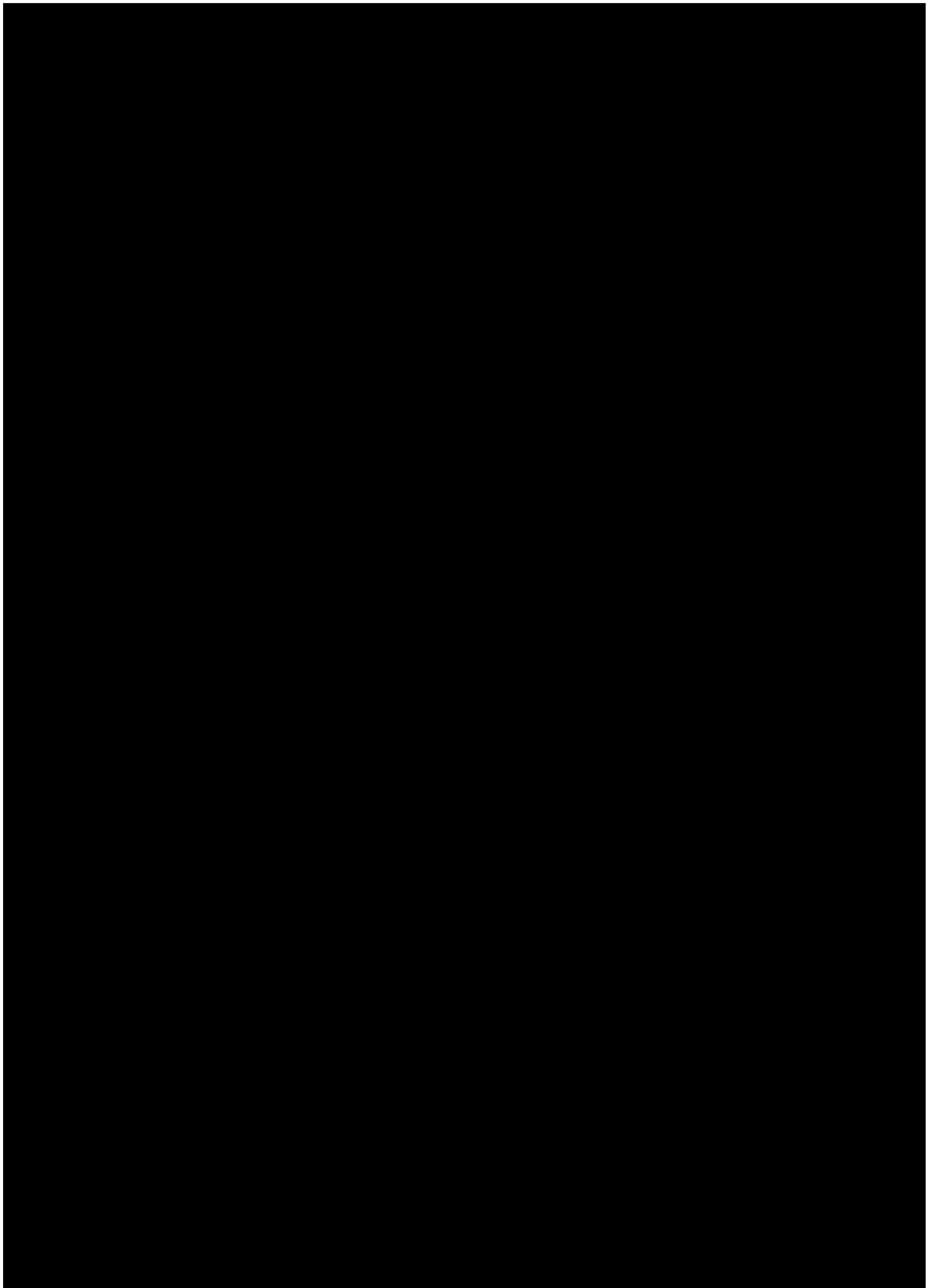
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 197
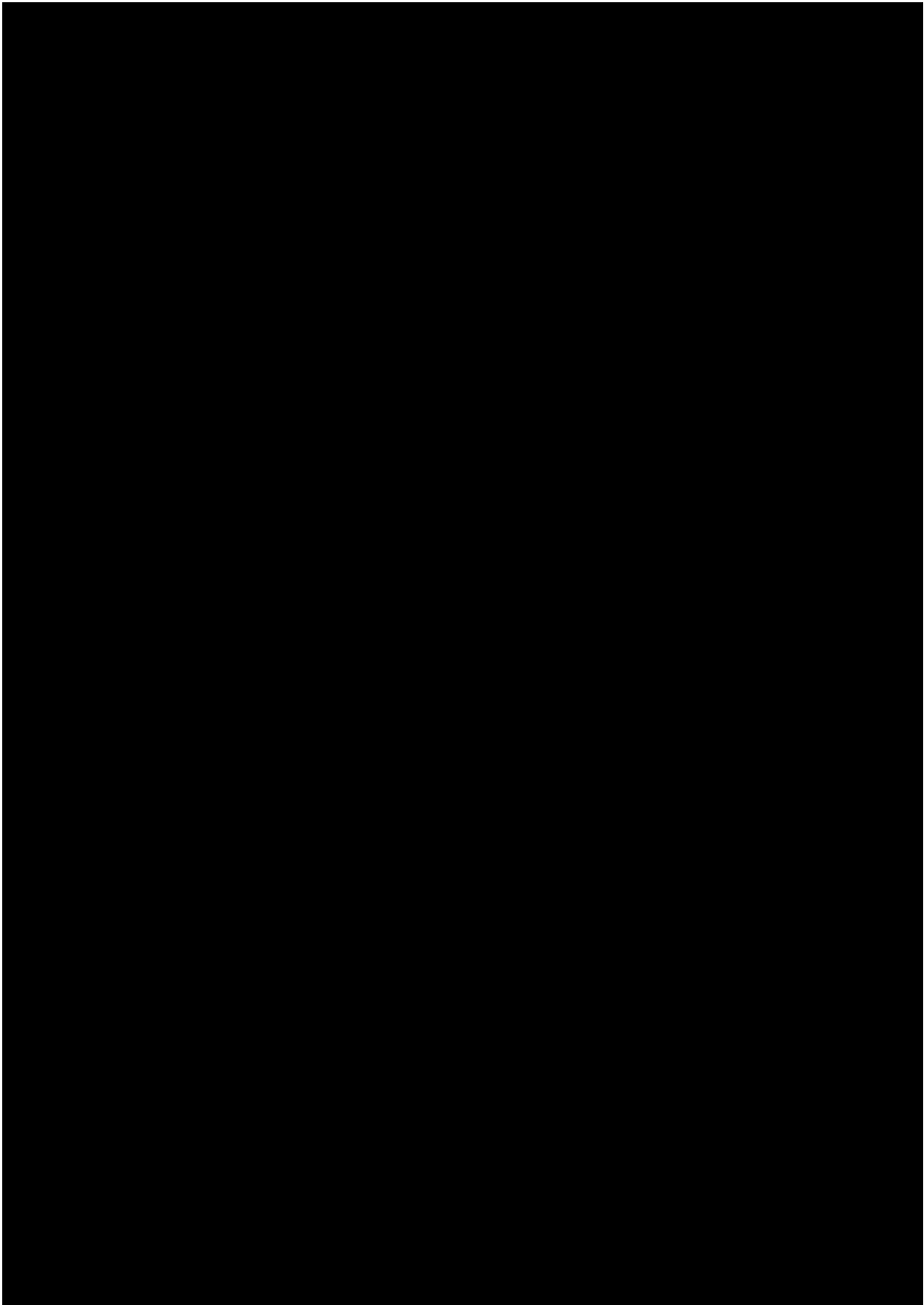
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 198

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Page 199
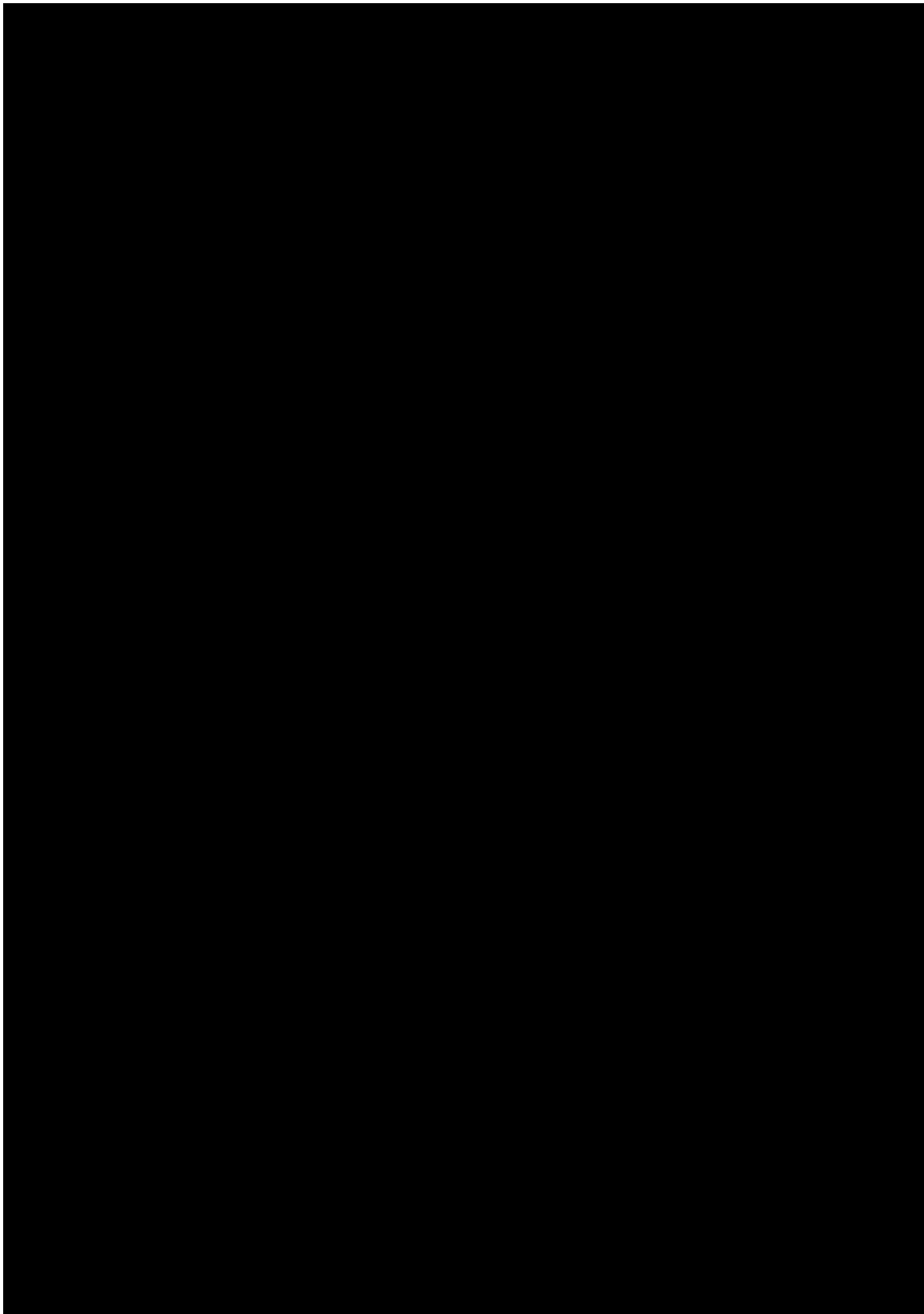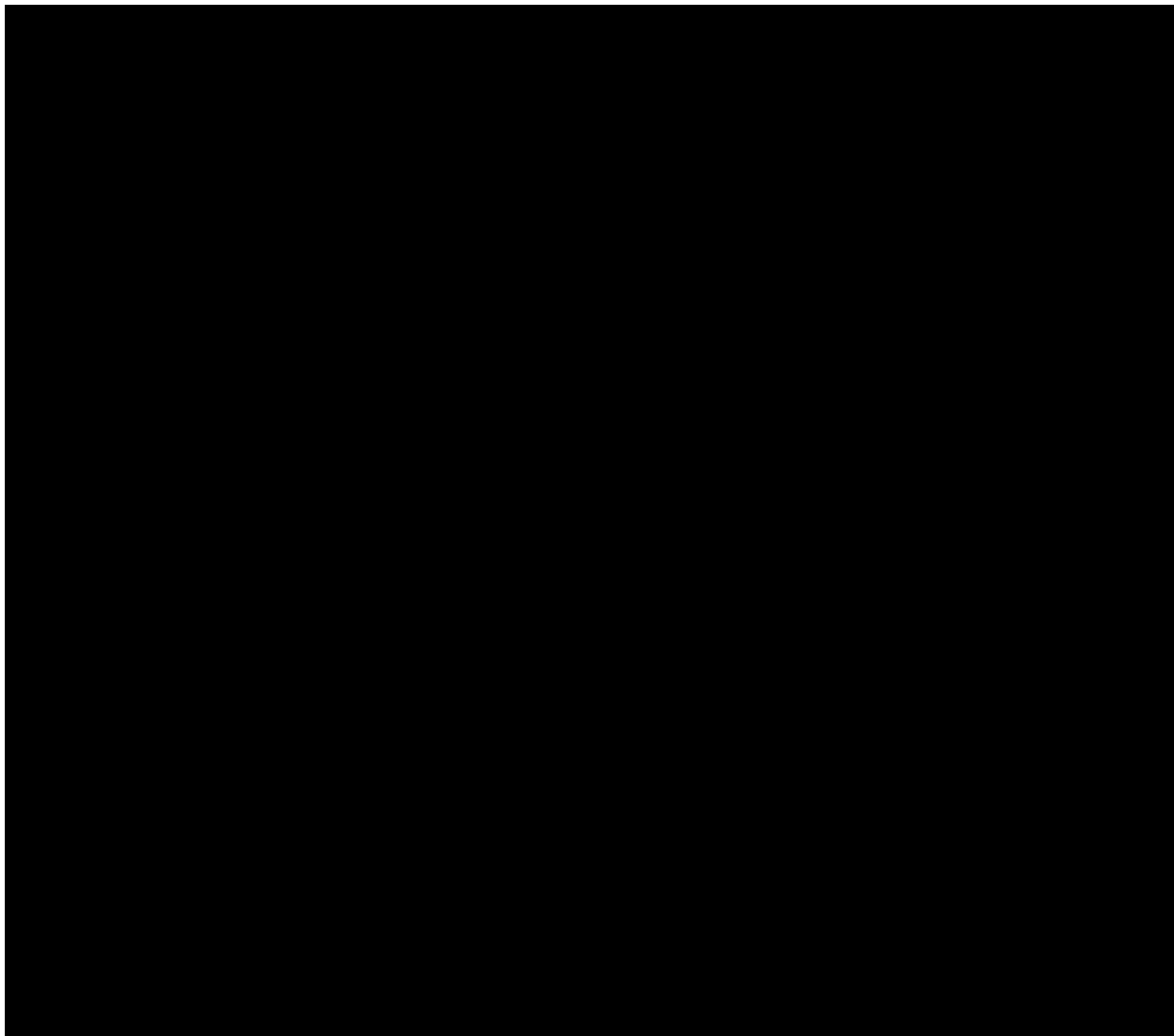
17   Q.   Okay.   Have you produced the monthly revenue

18   report in this case?

19   MR. KING: Note my objection.

20   THE WITNESS: Me personally?

21   BY MR. LAVIN:

22   Q.   Yeah.   Have you looked for that monthly

23   revenue report?

24   A.   I --

25   Q.   You're here at the corporate -- as the

Page 200

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 1    corporate witness.

 2         A.   Yeah, but I did not pull the report --

 3              MR. KING:  No, no, no, Matt.  We worked with

 4    MultiPlan legal, as I've already said today, on

 5    document production.  Ms. Kienzle's files were

 6    searched --

 7              MR. LAVIN:  We don't need a long --

 8              MR. KING:  As a custodian -- don't interrupt

 9    me.

10              There was a custodian, and so did she

11    actually do it herself?  No.  You know --

12         MR. LAVIN:  Has MultiPlan produced the monthly

13    revenue reports?

14              MR. KING:  You're asking me?

15              MR. LAVIN:  I'm asking you.

16              MR. KING:  Were they requested?

17              MR. LAVIN:  They were absolutely requested.

18              MR. KING:  Well, then, go look in the

19    production.  They should be there.

20              MR. LAVIN:  We have not found them in the

21    production.

22              MR. KING:  Well, at Susan's deposition you

23    also couldn't fine the White Paper, and we produced

24    that as well as the system report.

25              MR. LAVIN:  So what the point of that?
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 201

1   MR. KING: Well, the point is, you know, you

2   couldn't find those, and so I'm telling you, Matt --

3   and I -- and I have not been the lead on the document

4   production. You know that as well. But I -- I would

5   think that we produced them, and they should be

6   there.

7   MR. LAVIN: So -- okay. So there is no

8   objection to them being produced, and if they haven't

9   been produced, they will be produced; correct?

10   MR. KING: Yeah. We have no objection to

11   them, if they've been requested. I have to go back

12   and check that as well.

13   MR. LAVIN: We've requested all information

14   regarding fees collected from United related to

15   Viant.

16   MR. KING: Look. This is not a memory

17   contest, and I don't remember your request as I sit

18   here. But if it was requested then -- if we didn't

19   object, then we would have produced them. Make

20   sense?

21   BY MR. LAVIN:

22   Q. The -- do you ever discuss the monthly

23   revenue reports with Becky Paradise?

24   A. No.

25   ██

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 202

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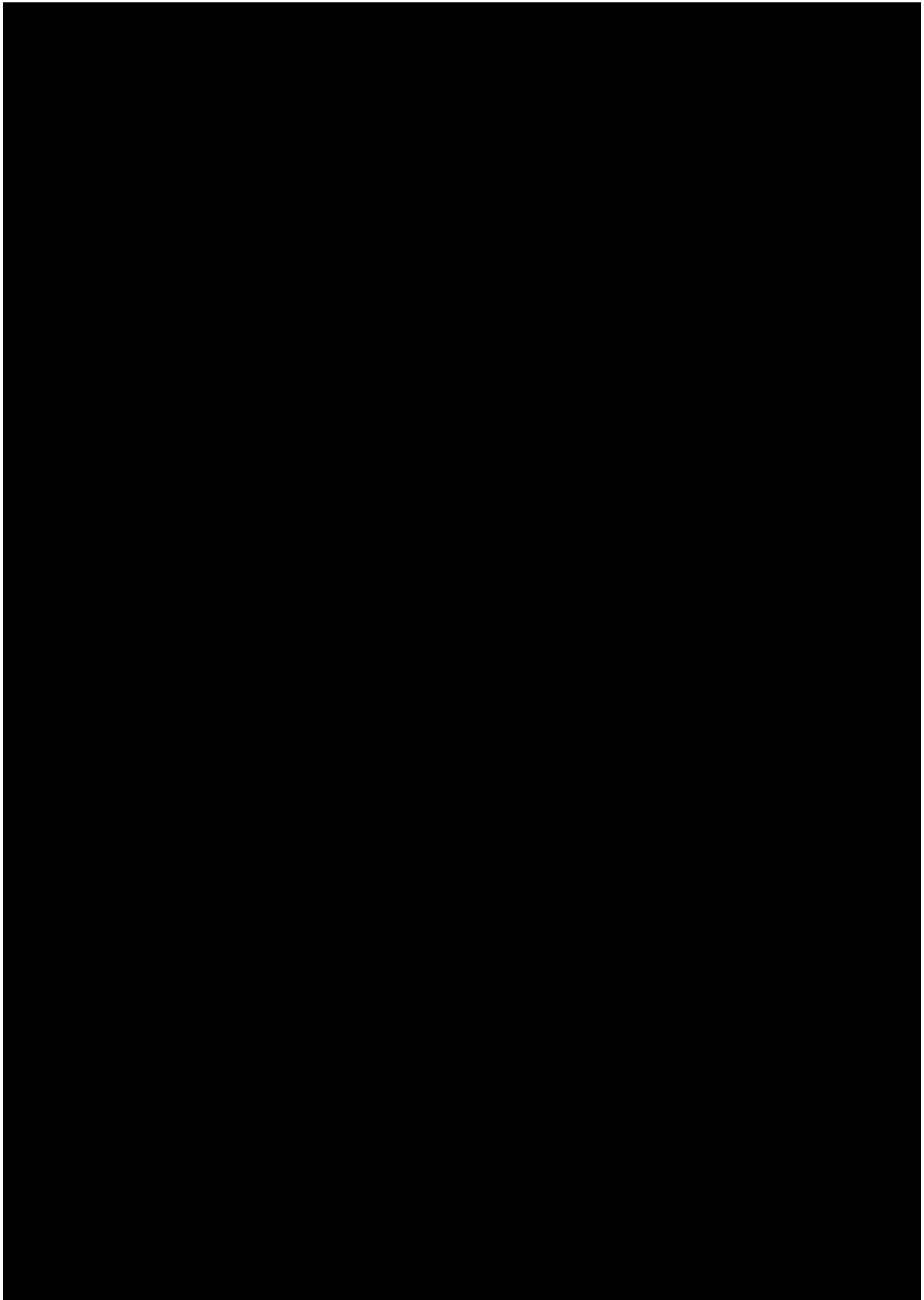
4   BY MR. LAVIN:

5   Q. Do you ever meet with Dale White and discuss

6   the monthly revenue reports?

7   A. No.

8   Q. Okay. Do you discuss them with him over

9   email?

10   A. No.

11   Q. Do you ever discuss them with him over the

12   phone?

13   A. We will have conversations, high level,

14   about revenue.

15   Q. Do you not -- do you have a regular meeting

16   with Dale White about revenue from United?

17   A. A regular meeting with Dale on revenue? No.

18   Q. Okay. Do you have any regular meetings with

19   Dale at all?

20   A. I have a biweekly call with him.

21   Q. Prior to Dale becoming the CEO of MultiPlan,

22   how often did you meet with him?

23   MR. KING: Meet with him in person?

24   BY MR. LAVIN:

25   Q. In person.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 204

1   A.   That depends. I mean, we would meet with

2   United doing our quarterly meetings. We would have

3   quarterly meetings as leadership team. But mostly

4   it's going to the client and visiting the client is

5   when we usually met in person.

6   Q.   And before COVID, how often would you speak

7   with him on the phone?

8   A.   Oh, God. I can't even guess.

9   Q.   Often?

10   A.   It's -- yeah. Ad hoc. As often as I needed

11   to, depending on what was going on.

12   Q.   How involved was he in the day-to-day

13   account management of the United account?

14   A.   He's not involved in the day to day.

15   Q.   At the quarterly presentations to United,

16   would he give the presentation?

17   A.   Typically it would be the account manager

18   and myself, and then Dale would give a corporate

19   update.

20   Q.   So the account manager is Mark Edwards?

21   A.   At the time right now it is Mark Edwards,

22   uh-huh.

23   Q.   Okay. And he would give a -- kind of

24   high-level overview update?

25   MR. KING: Who is "he"?

Page 205

1   MR. LAVIN: Dale White. I'm sorry.

2   THE WITNESS: Yes.

3   BY MR. LAVIN:

4   Q. Okay. Is this exhibit, this Network Access

5   Agreement, does it appear to be a true and correct

6   copy of the Network Access Agreement?

7   A. It appears to be, yes.

8   Q. And then if we go to -- I'm going to flip

9   all the way to the end. If you go to UHC, ends in

10   78058.

11   MR. KING: What is the number?

12   THE WITNESS: Yeah, I'm not seeing that.

13   MR. KING: Yeah, we're seeing that.

14   THE WITNESS: I'm seeing an 8. Not a --

15   MR. LAVIN: 78058. So it's all the way -- I

16   would go to the end of it and go backwards because

17   it's only a couple pages from the very end.

18   MR. KING: Oh, okay. You said the end so we

19   went to the end.

20   MR. LAVIN: Well, go to the end and then go

21   back a couple pages.

22   THE WITNESS: I'm still not seeing a 7.

23   Sorry.

24   MR. KING: So we're seeing 8270. What page

25   did you say it was? Maybe we're just missing the 7.

Page 206

1   MR. LAVIN: Let me go to the back.

2   MR. KING: Huh?

3   MR. LAVIN: Let me -- I'm scrolling

4   through what's -- the exhibit as it's showing up

5   online because I have it differently.

6   MR. KING: Yeah.

7   MR. LAVIN: Interesting. Well, there you

8   go.

9   MR. KING: She wants to withdraw her answer

10   that this is a true and correct copy maybe.

11   Yeah, everything we're seeing is 82

12   something.

13   MR. LAVIN: Yeah. Well, we'll have to --

14   BY MR. LAVIN:

15   ███

16   ███

17   ███

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20   ███

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 207
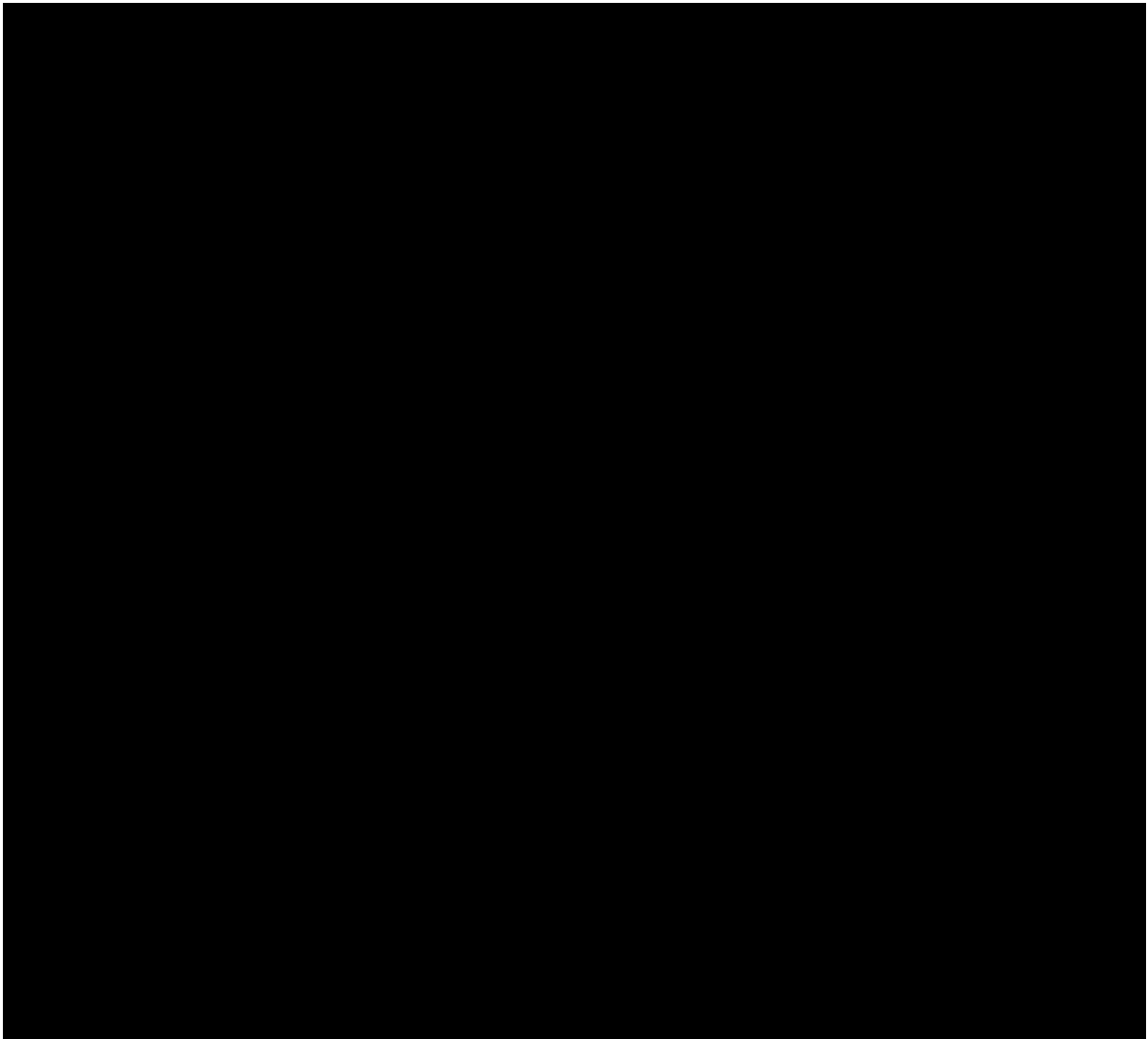
17   Q.   I'd like to show it to you. I've got a

18   document Bates Number UHC78057 through 78062.

19   Nicole, can you see if that's in the

20   electronic version of the binder?

21   MS. WEMHOFF: Can you repeat that?

22   MR. LAVIN: UHC78057 through UHC78062.

23   MR. KING: Are you putting that in the

24   Exhibit Share?

25   MR. LAVIN: Are you able to find it?

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 208

1   MS. WEMHOFF: I'm not finding it at this

2   point.

3   MR. LAVIN: All right. We can come back to

4   it. We'll look for it and pull it back up.

5   BY MR. LAVIN:

6   Q. All right. Let's move on to the next

7   exhibit under Exhibit [sic] 34.

8   (Exhibit 32 was identified.)

9   BY MR. LAVIN:

10   Q. So Exhibit 34 that I have has Bates numbers

11   UHC78696, and it's a native document. It's just has

12   the Bates number.

13   A. I've got 32.

14   Q. We've got -- it's got the native cover page.

15   We've got some issues here. I have the document

16   itself.

17   MR. KING: No, we just have -- the cover

18   page.

19   MR. LAVIN: Yeah, I see that. I see that.

20   All right. I'm going to flag that and come back to

21   it.

22   BY MR. LAVIN:

23   Q. Let's go to the next exhibit. Actually, you

24   know what? Let's pass over Tab 35, or you know --

25   let's go to -- let's take a break for one second,

Page 209

1   because I think there is a mix-up.

2   THE VIDEOGRAPHER: Going off the record.

3   The time is 1:27.

4   (Recess taken.)

5   THE VIDEOGRAPHER: We are back on the

6   record. The time is 1:37.

7   MR. LAVIN: Okay. Let's put up the next

8   exhibit.

9   (Exhibit 33 was identified.)

10   MR. KING: Do you have it?

11   THE WITNESS: Uh-huh. I've got it.

12   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 211

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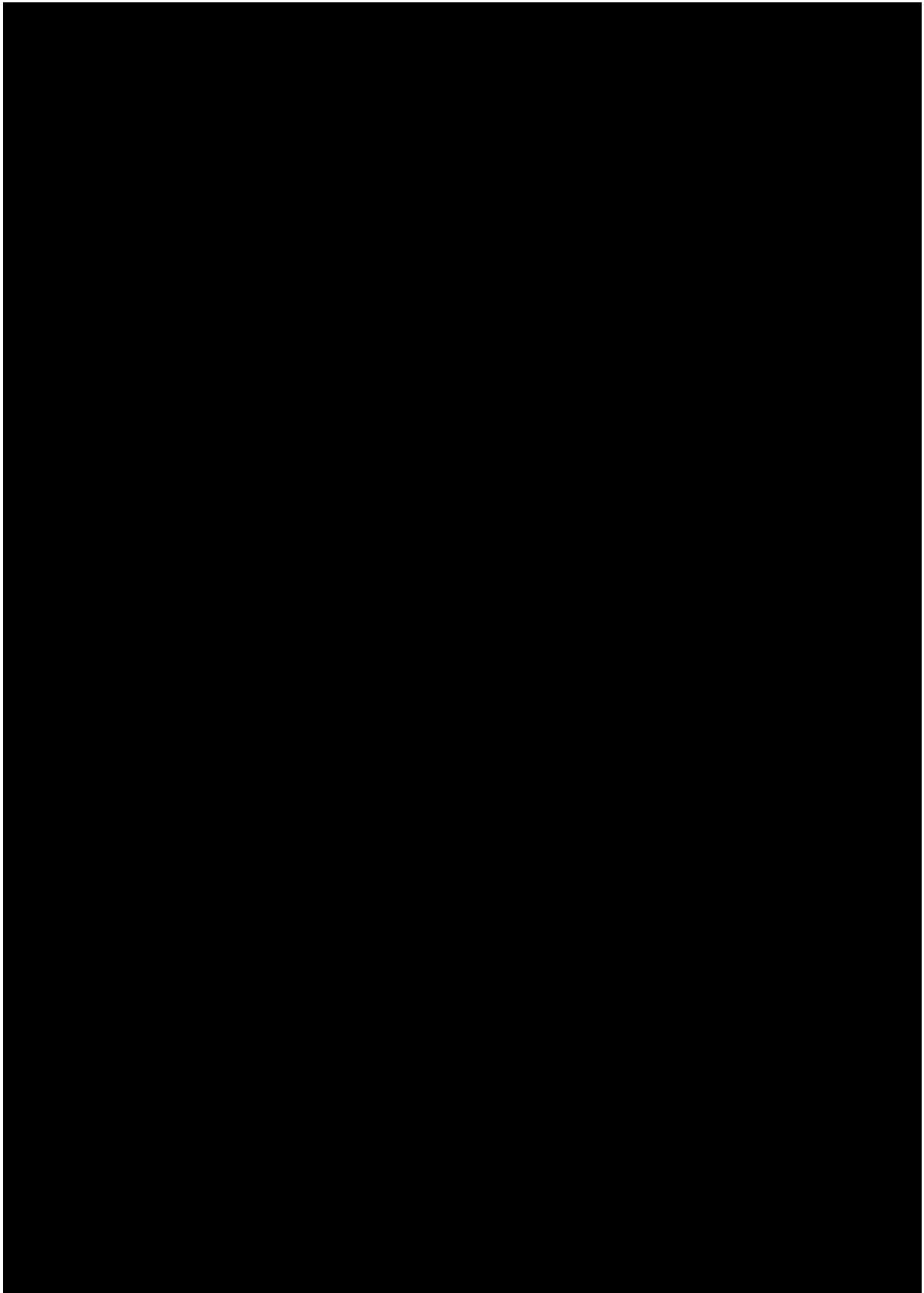
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Page 212

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Page 213

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Page 214
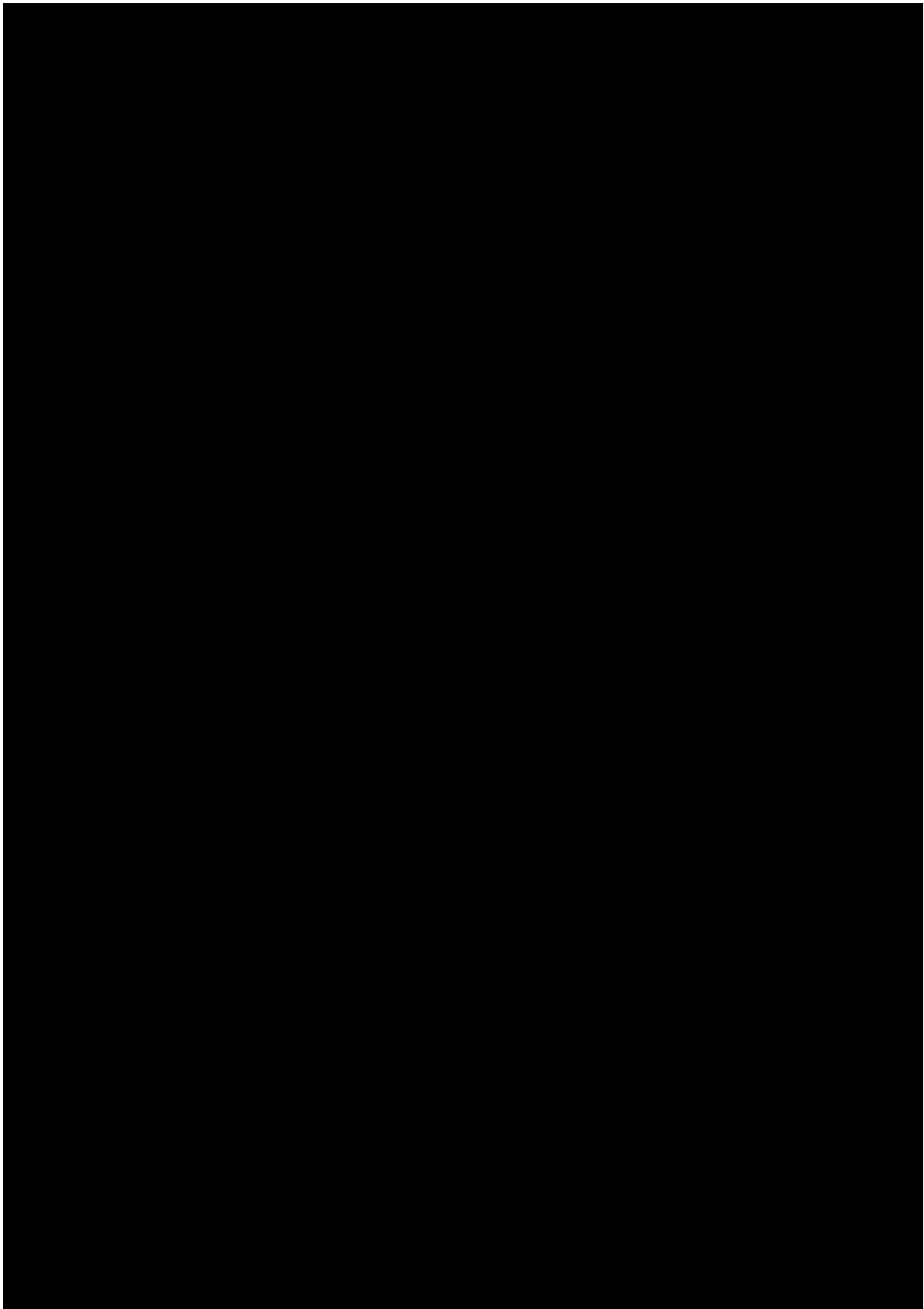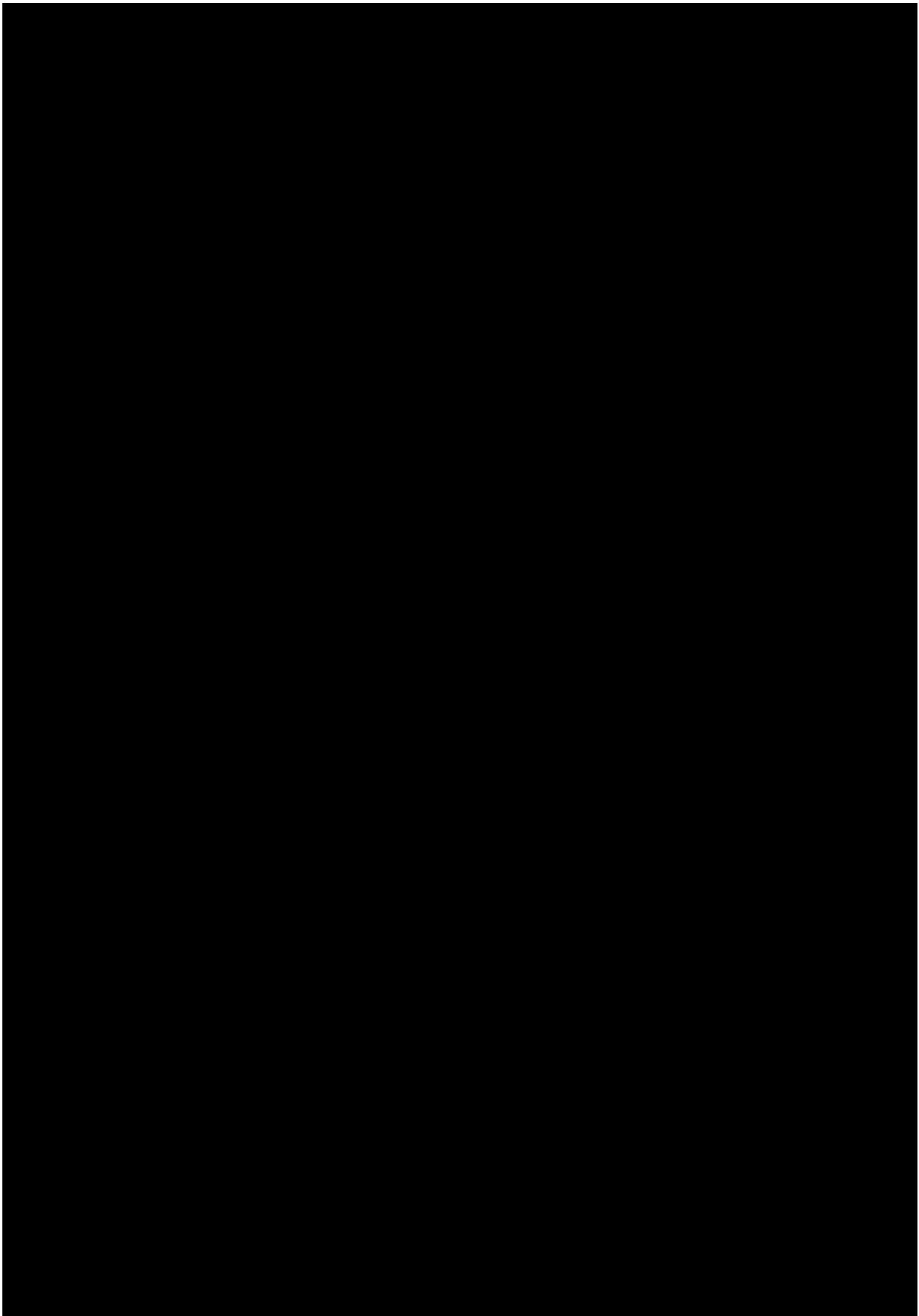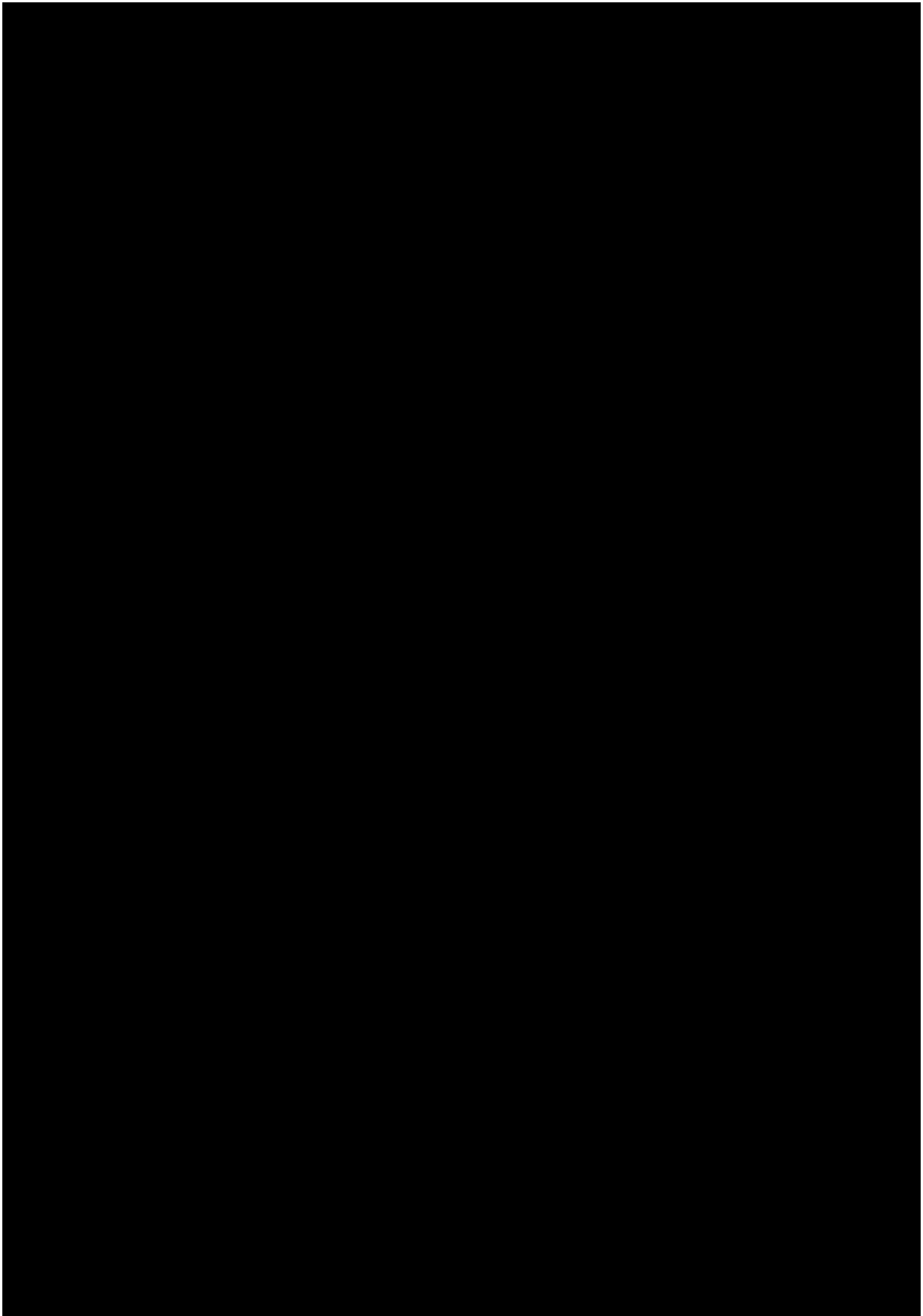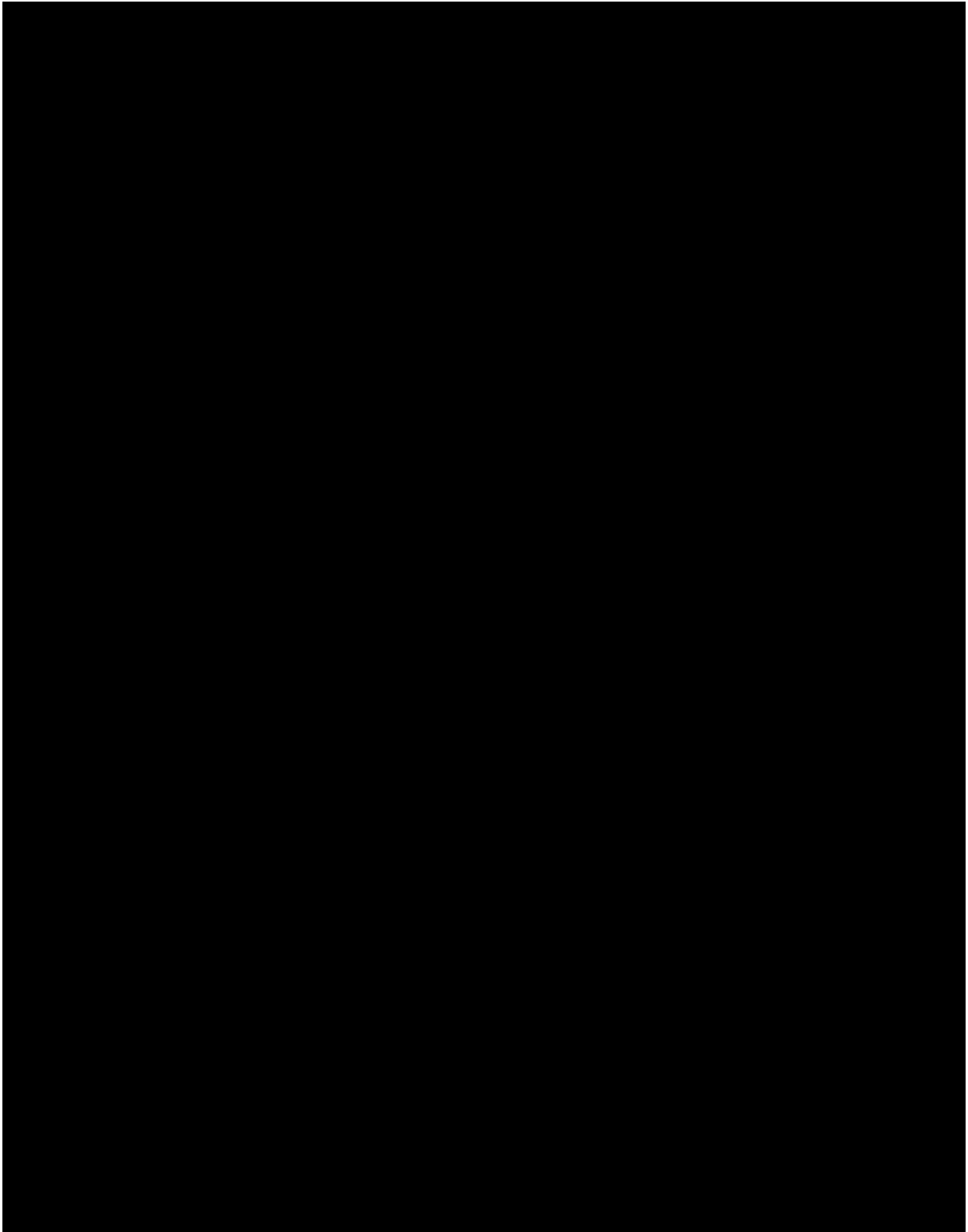
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24   MR. KING: That's a bad number.

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Page 215

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1    BY MR. LAVIN:

2    ███████████████████████████████████████

3    ███████████████████████████████████████

4          A.   I'm not there yet.

5               MR. KING:  She's not there yet.  Hold on.

6               THE WITNESS:  I went too far.

7               MR. KING:  Yeah.

8               THE WITNESS:  Okay.

9    BY MR. LAVIN:

10         Q.   And it's -- there's a slide.  I've seen this

11   slide many times before.

12         A.   Uh-huh.

13         Q.   And there's a lot of quarterly reports that

14   United has produced in this matter from MultiPlan.

15   And if you go down -- this is kind of -- would you

16   agree this is a standard slide?

17         A.   Uh-huh.

18         Q.   Okay.

19         A.   Yes.

20         Q.   And it probably gets updated with every

21   report; is that right?

22         A.   It gets updated quarterly.

23   ███████████████████████████████████████

24   ███████████████████████████████████████

25   ███████████████████████████████████████
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Page 216
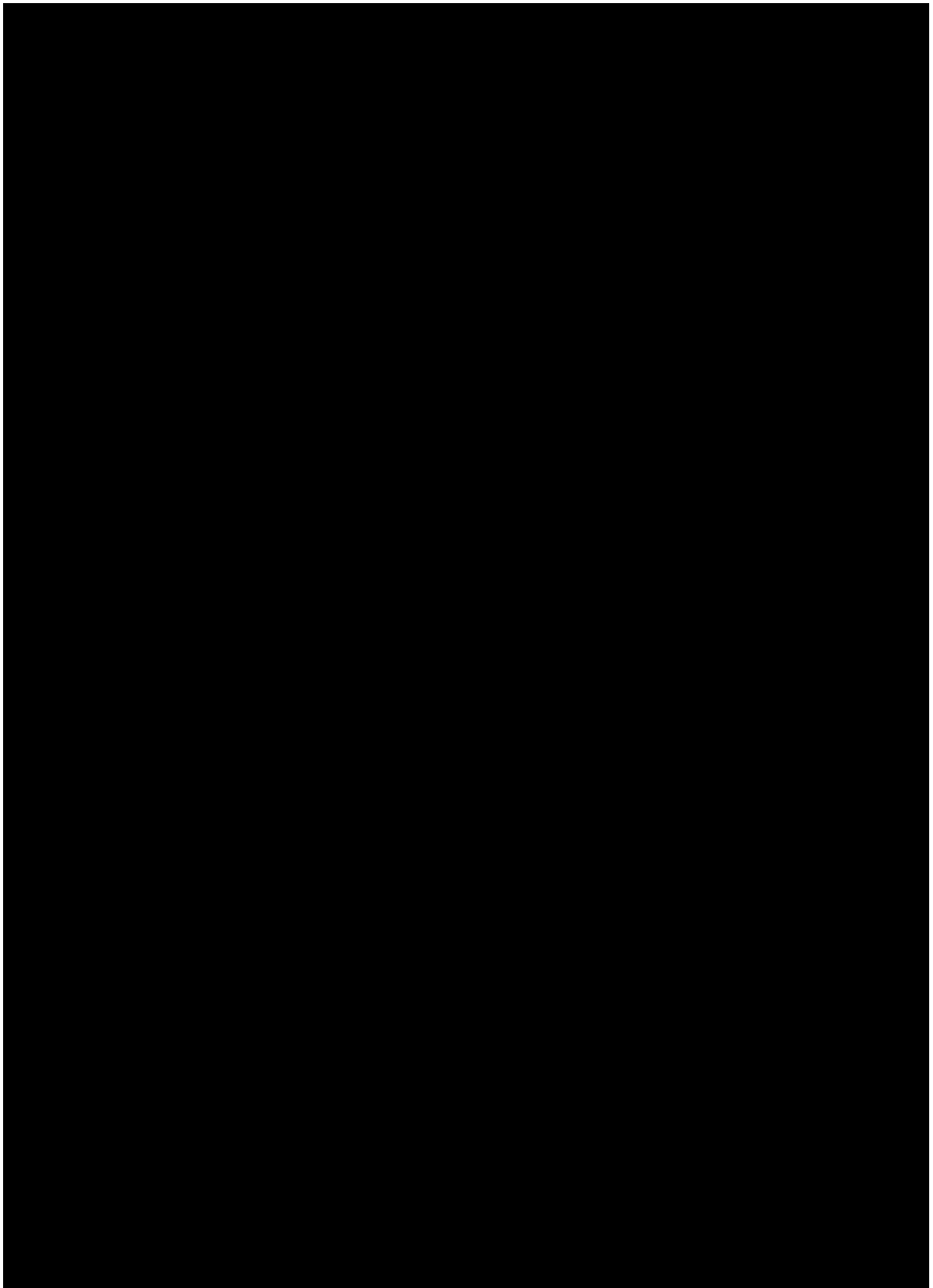
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Page 217

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 219
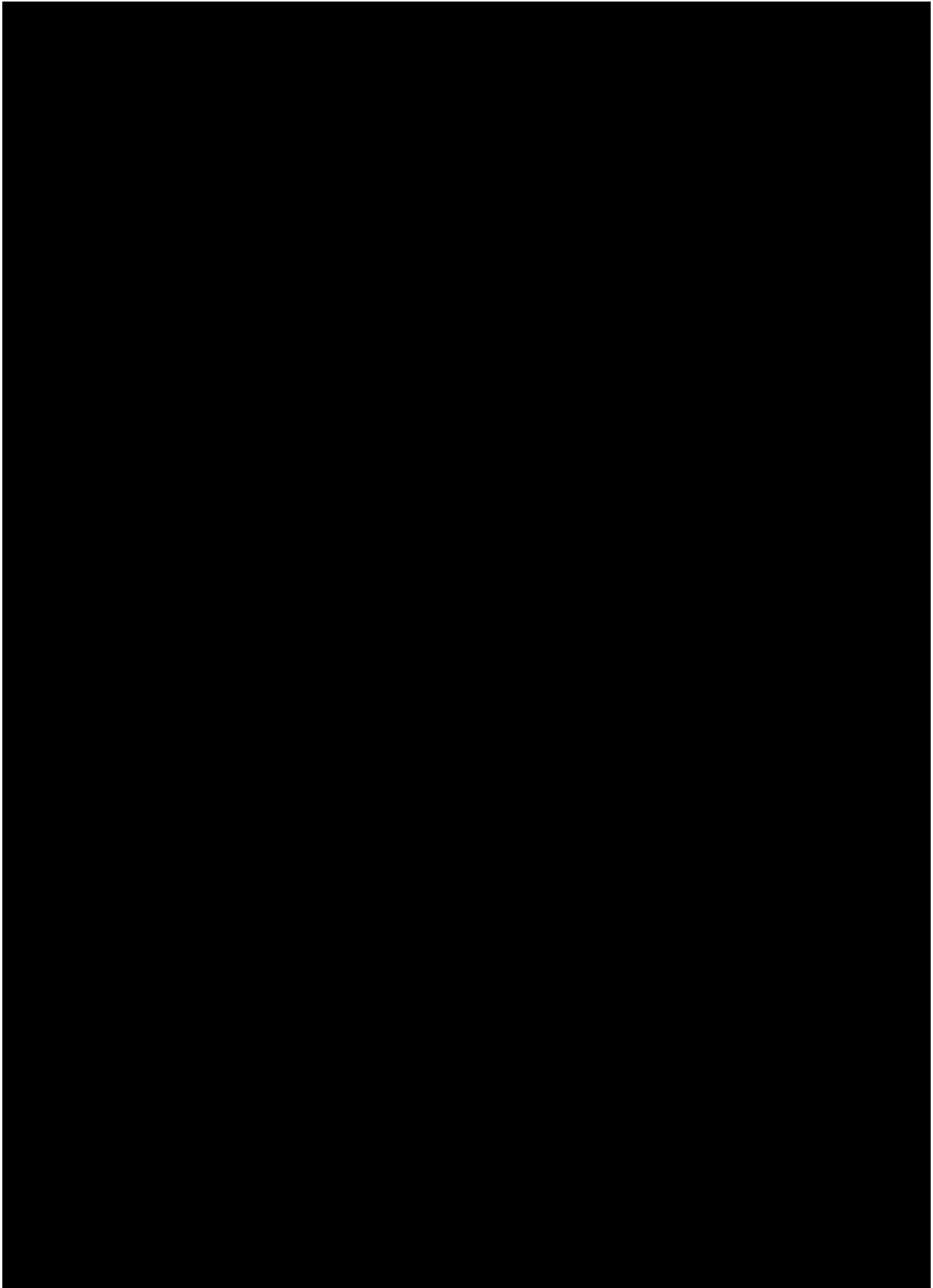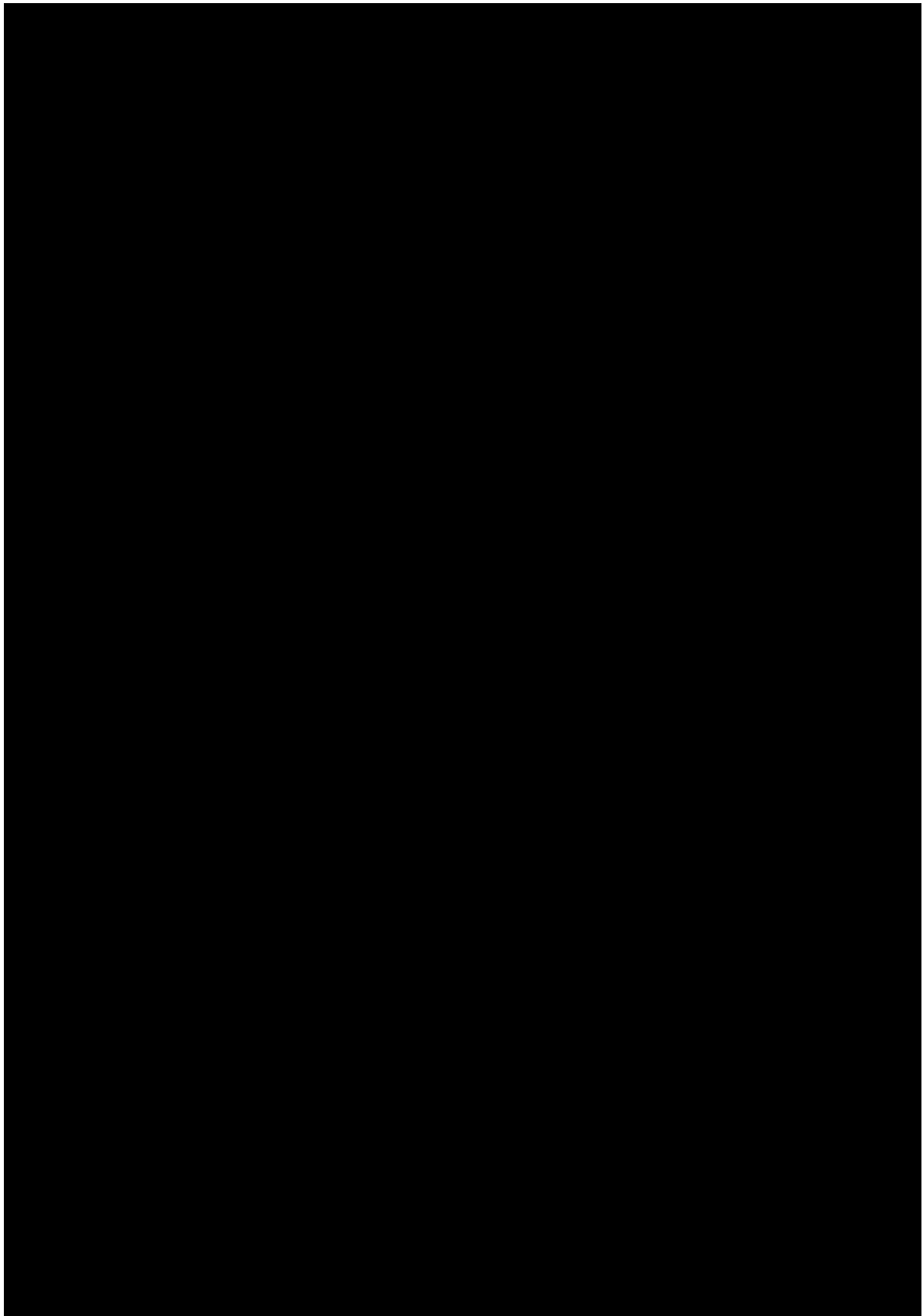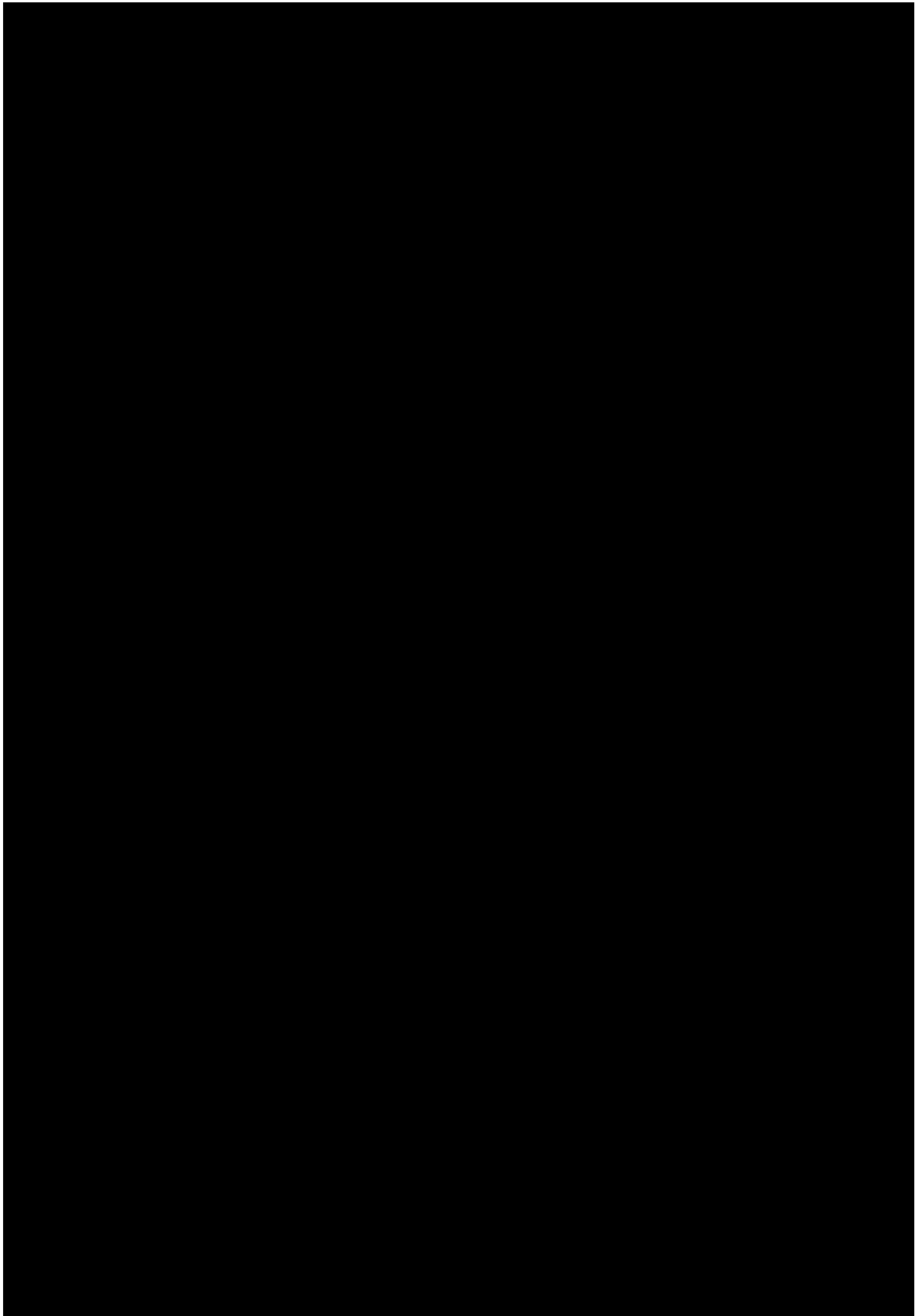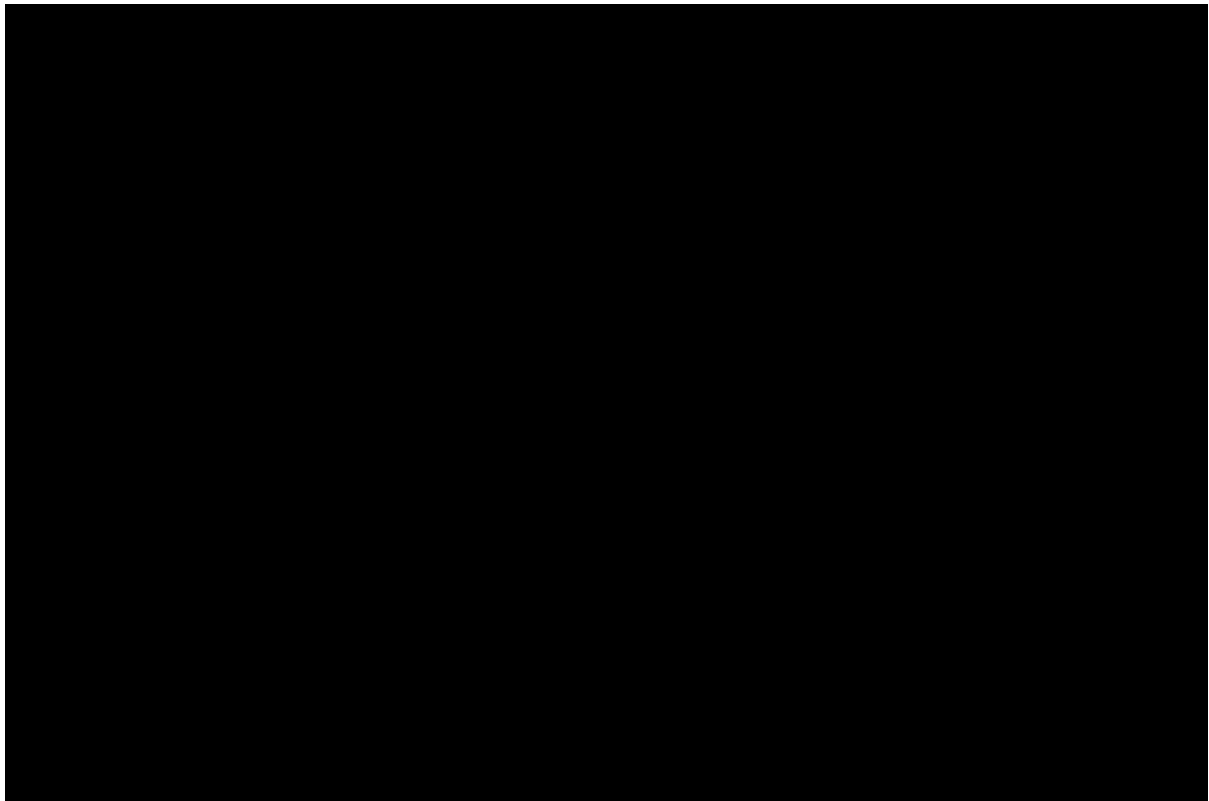
13   MR. KING: Hold on, Matt.   I've got to go

14   tell the room next door to pipe down.

15   THE VIDEOGRAPHER: Would you like to go off

16   the record?

17   MR. LAVIN: Let's go off the record for a

18   second.

19   THE VIDEOGRAPHER: This is the end of Media

20   Number 4.   Going off the record.   The time is 1:50.

21   (Recess taken.)

22   THE VIDEOGRAPHER: We're back on the record.

23   The time is 1:51.   This is the beginning of Media

24   Number 5.

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Page 220

1   BY MR. LAVIN:

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16   ████████████████████████████████████

17   Q.   Does anyone at United review the pricing

18   when it comes over from MultiPlan?

19   A.   I would think that you'd have to ask United

20   that question. I don't know what they do once the

21   claim comes over.

22   MR. KING: Yeah, late objection. Note my

23   objection.

24   THE WITNESS: Sorry.

25   ///

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 221

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 1    BY MR. LAVIN:

 2         Q.   But you've managed this account for

 3    20-some-odd years; so I would imagine you would have

 4    some knowledge about the process.  No?

 5         A.   It's an automated process that goes back to

 6    United, and -- and I don't know what they do on their

 7    end when the claim comes back.  So you'd have to ask

 8    United what -- they make the final determination and

 9    adjudicate the claim after we send our pricing.

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20   BY MR. LAVIN:

21   Q.   And are you -- do you have any knowledge

22   about United rejecting claims pricing for H0015

23   claims?

24   MR. KING: Note my objection.   You're asking

25   her what United does; right?

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 223

1   MR. LAVIN: I'm asking her if she has any

2   knowledge of United ever rejecting a price for H0015

3   claims.

4   MR. KING: Okay. Same -- same objection.

5   You can answer.

6   THE WITNESS: No.

7   BY MR. LAVIN:

8   Q. There is nothing that you could recall;

9   correct?

10   A. Correct.

11   MR. KING: Same objection.

12   BY MR. LAVIN:

13   Q. And if we go a little further on this, we

14   can go to UHC -- it ends in 684.

15   A. Uh-huh.

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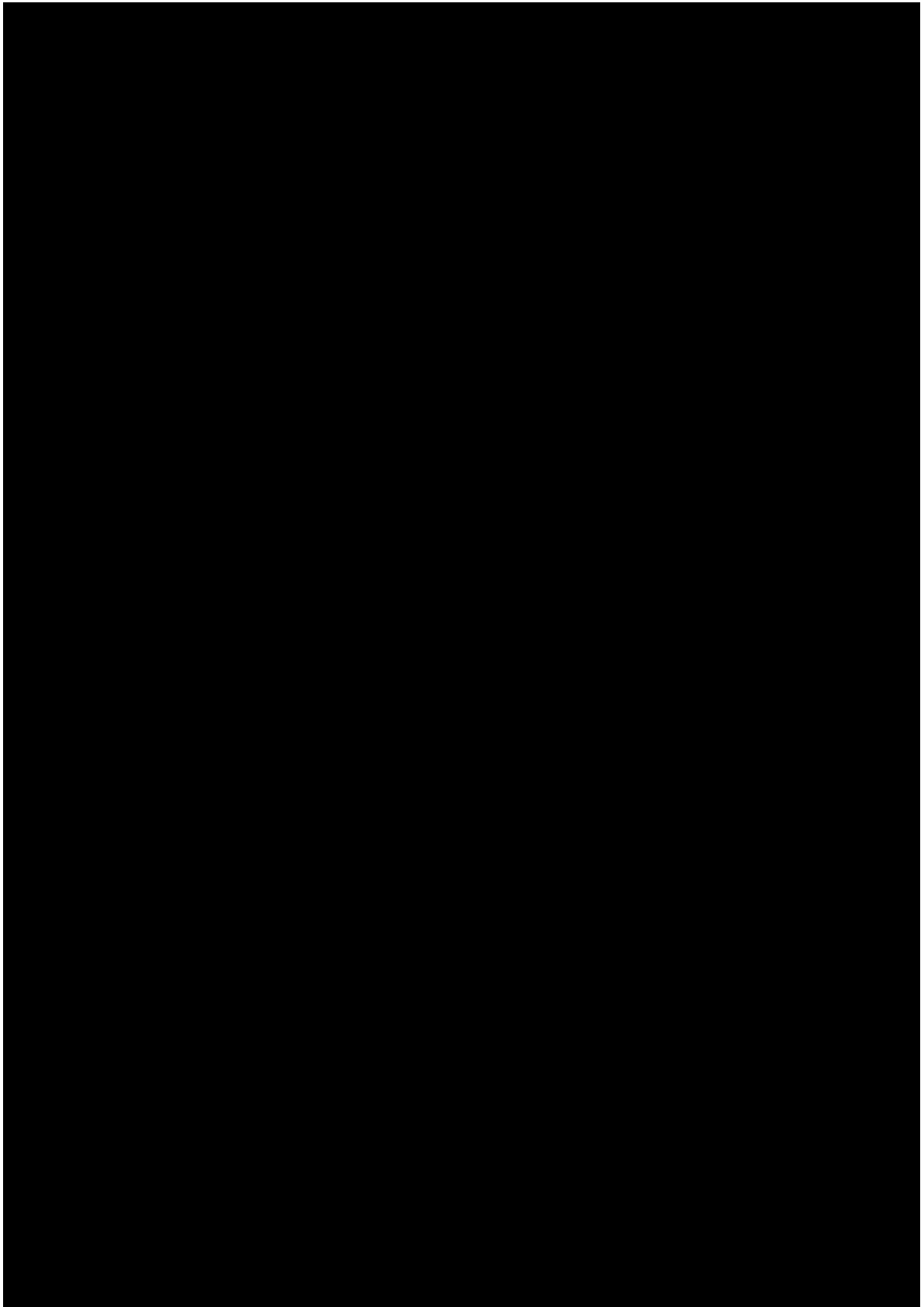
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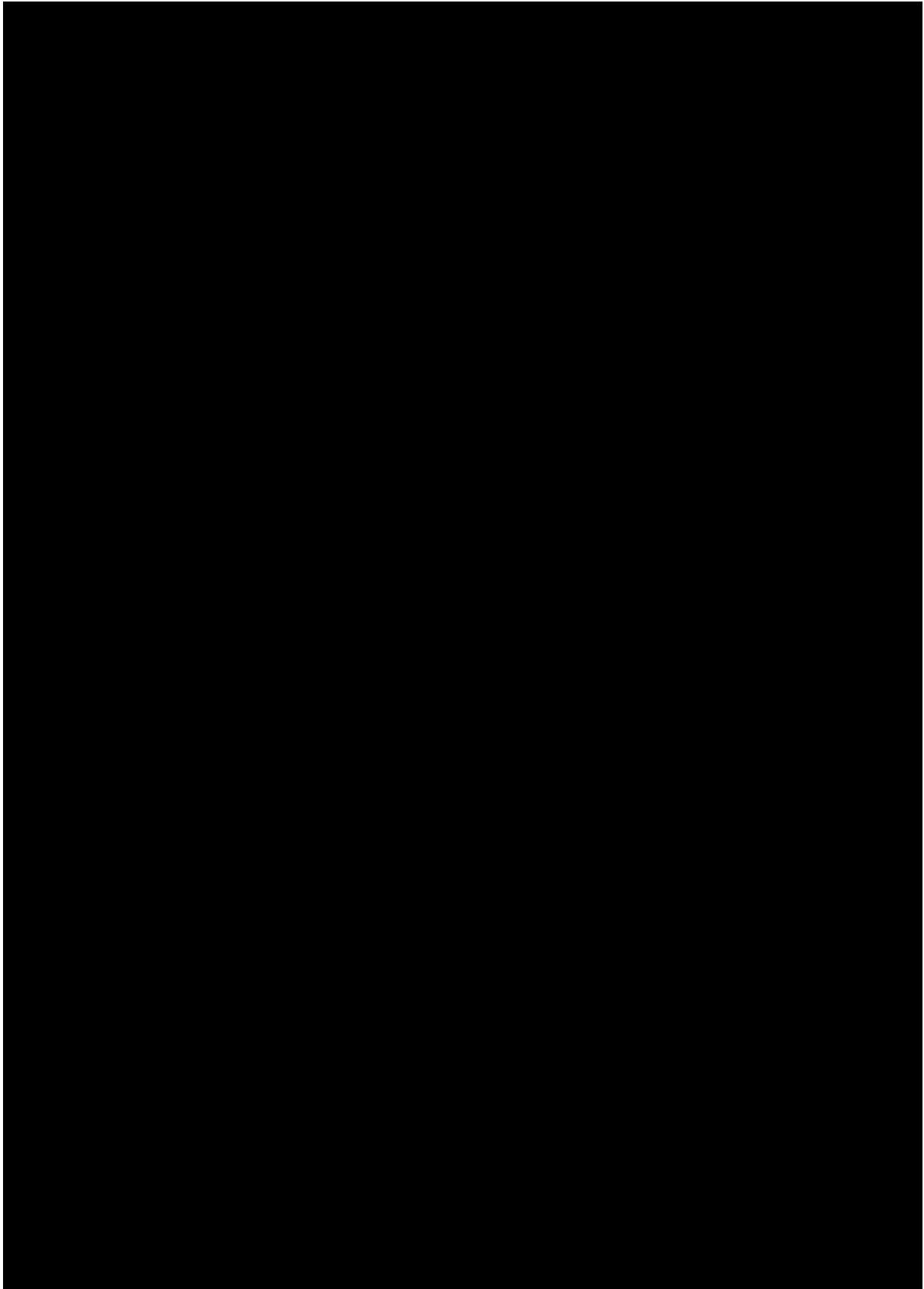
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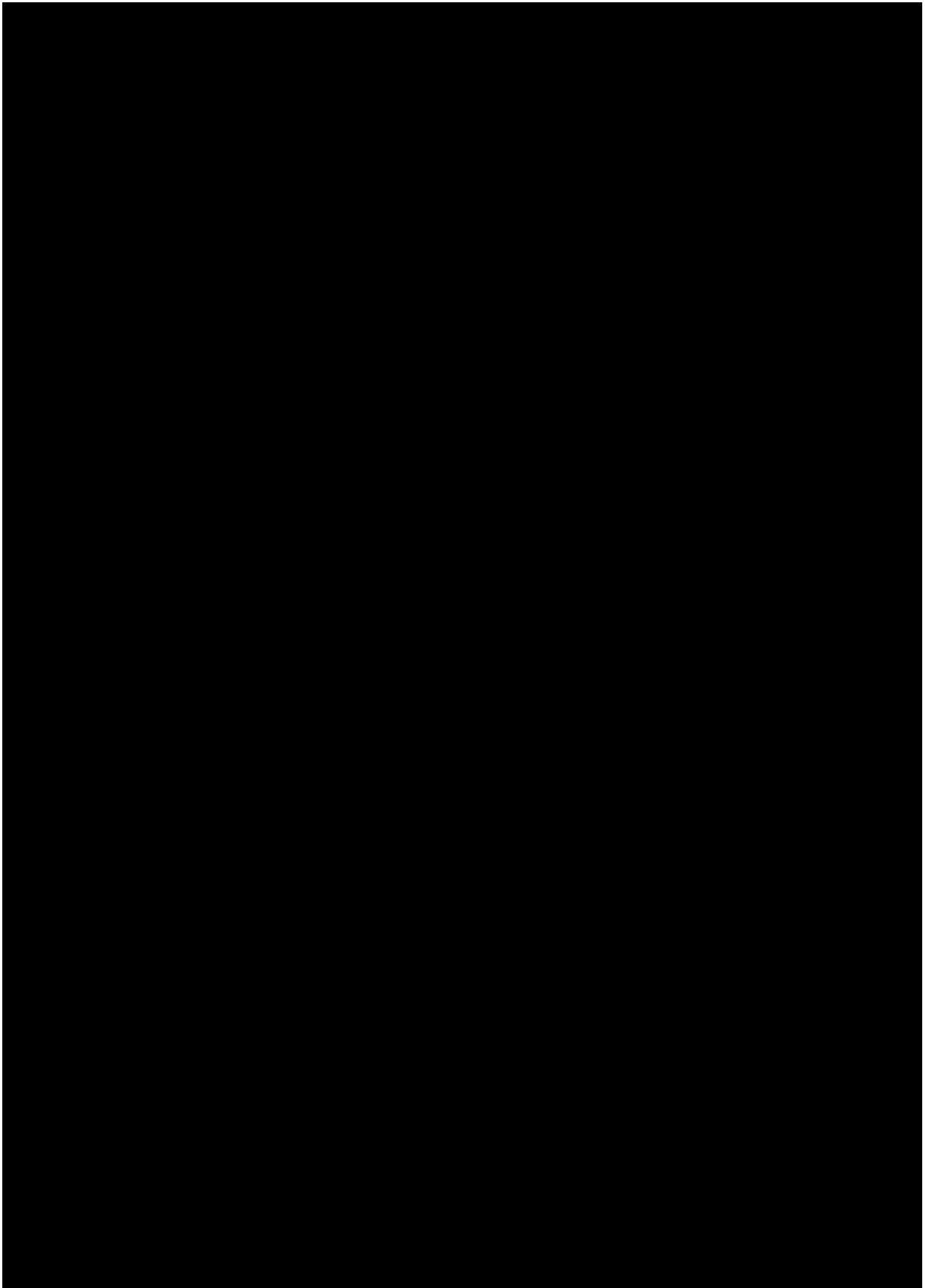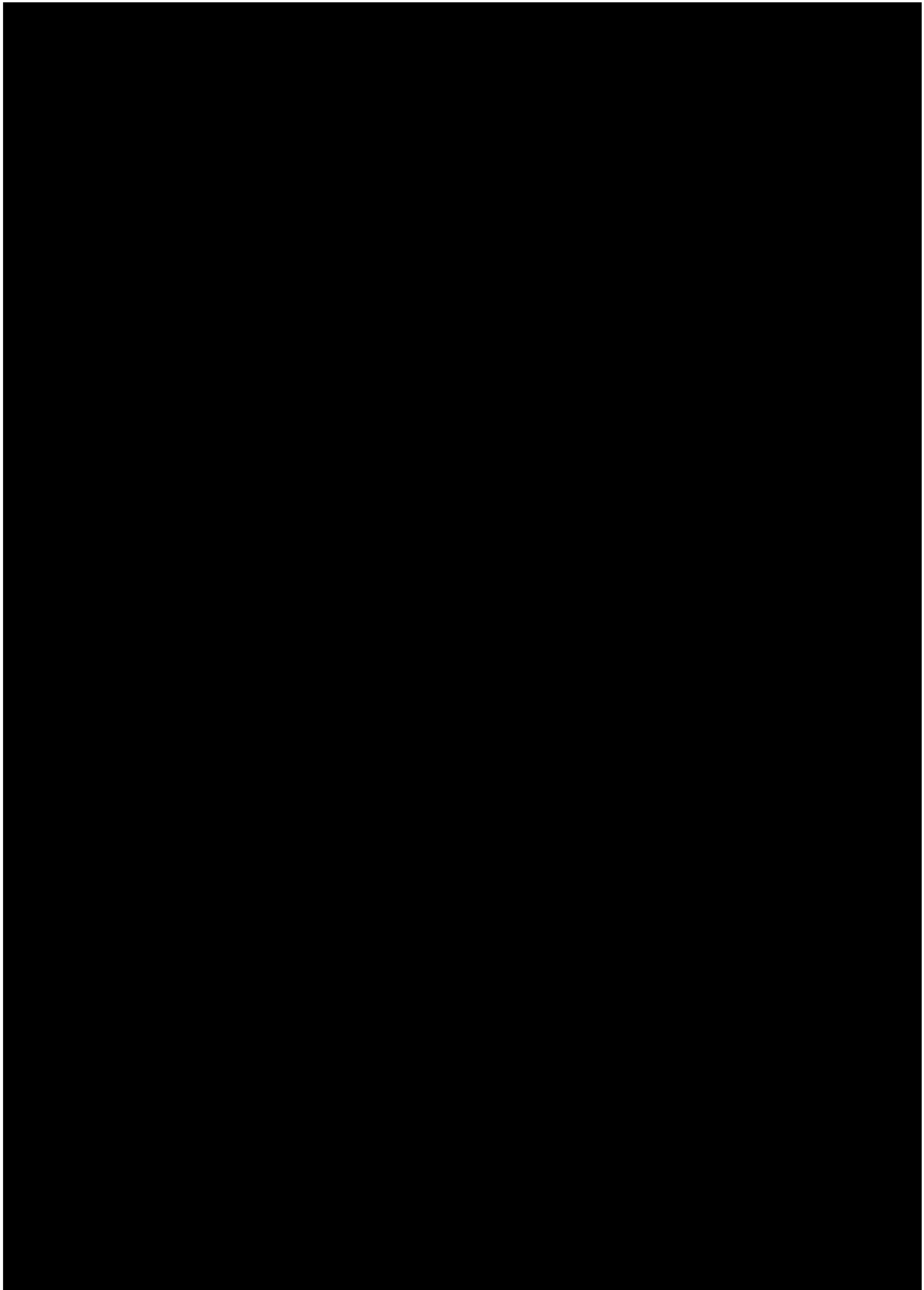
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13   Q.   So within MultiPlan, is -- do you meet with

14   the other account heads so, like, your counterpart

15   for Cigna or Aetna? Do you have meetings with them?

16   A.   Not from a client perspective, no.

17   Q.   But do you have meetings -- and that's not

18   what I'm getting at. What I'm getting at is, like,

19   at initiatives, the savings initiatives.

20   Do you collaborate with them to come up

21   with, you know, new savings programs or new

22   initiatives?

23   A.   No.

24   Q.   Do you communicate with them at all?

25   A.   We communicate from an operational

Page 227

1   standpoint on things that are going on in the

2   organization that are not client specific, since

3   that's proprietary information.

4   Q.   Okay.   But would a savings program be an

5   organizational matter?

6   MR. KING: Note my objection.

7   You can answer.

8   THE WITNESS: If it's something that is for

9   all clients -- it's a service that we're going to

10 give to all clients?   Then we would have a

11 conversation about that product, but not specific to

12 a client.

13 BY MR. LAVIN:

14   Q.   Okay.   And why would you not have one

15 specific to a client?

16   MR. KING: Objection.   Asked and answered.

17   You can answer.

18   THE WITNESS: Because it's proprietary

19 information, and -- and I will not share United's

20 proprietary information with another colleague.

21 BY MR. LAVIN:

22   Q.   Okay.   Is Dale White, when he was managing

23 the sales department and now, is he aware of what all

24 MultiPlan customers are doing?

25   A.   I would assume so because he's the CEO of

Page 228

1   the company.

2   Q.   Does he ever meet one on one with United, to

3   your knowledge?

4   MR. KING: Present day, or what's the time

5   frame?

6   BY MR. LAVIN:

7   Q.   At any time.   Let's say before he was CEO.

8   MR. KING: Well, what do you mean by "one on

9   one"?   Just him and one other person?

10   MR. LAVIN: Exactly.

11   BY MR. LAVIN:

12   Q.   Maybe him and John Haben.   Do you know who

13   John Haben is?

14   A.   I do.

15   Q.   Okay.   Do you know if John Haben and Dale

16   White ever met one on one?

17   A.   They have.

18   That's the door.

19   MR. KING: Hold on.   Someone is at the door.

20   THE WITNESS: Someone is at the door.

21   THE VIDEOGRAPHER: Do you want to go off the

22   record, Counsel?

23   MR. LAVIN: Let's go off the record.

24   THE VIDEOGRAPHER: Going off the record.

25   The time is 2:01 P.M.

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 229

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 1              (Recess taken.)

 2              THE VIDEOGRAPHER:  We're back on the record.

 3    The time is 2:02.

 4    BY MR. LAVIN:

 5         Q.  Do you know who -- John Haben is no longer

 6    with United, is he?

 7         A.  No.

 8         Q.  Do you know who his replacement is?

 9         A.  I do not.

10         Q.  Okay.  Do you know who Becky Paradise

11    reports to?

12         A.  Yes.

13         Q.  Who does Becky Paradise report to?

14         A.  To Michael Weinstein.  I can't pronounce his

15    last name right.

16         Q.  Have you ever met Michael Weinstein?

17         A.  Uh-huh.  Yes.

18         Q.  Do you know if John Haben also reported to

19    Michael Weinstein?

20         A.  From my knowledge, he did not.

21         Q.  Okay.  So did Michael Weinstein take over

22    John Haben's position?

23         A.  You would have to ask United.

24         Q.  Okay.  I'm just asking if you know.

25              How often have you met with Michael
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Page 230

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 1    Weinstein?

 2         A.   I've met with him a couple times.

 3         Q.   Do you remember when the first time you ever

 4    met him was?

 5         A.   Back in September.

 6         Q.   So recently?

 7         A.   Recently.

 8         Q.   Have you ever discussed this case with

 9    Michael Weinstein?

10         A.   No.

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Page 231

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 232
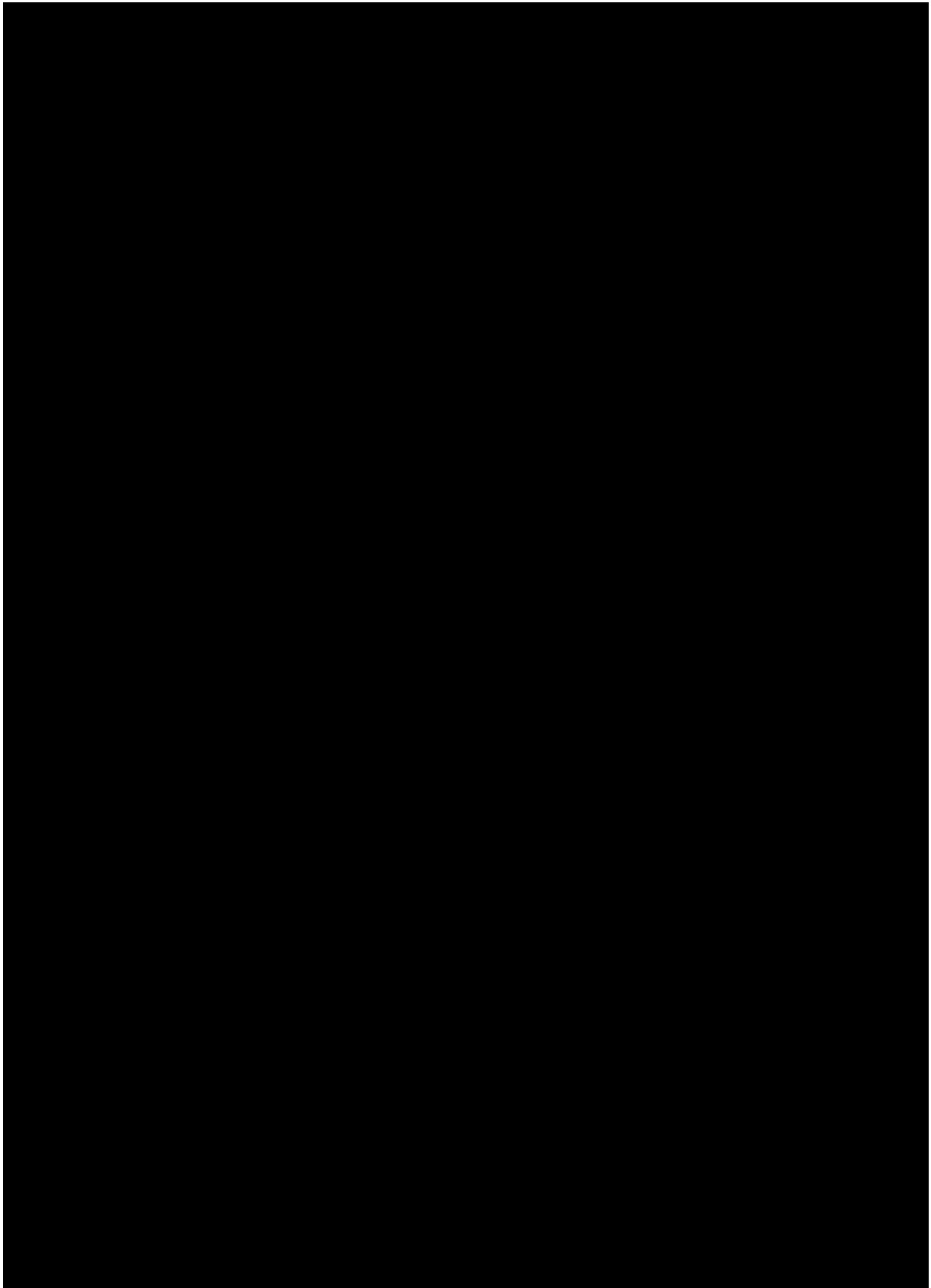
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2   BY MR. LAVIN:

3   Q.   Okay. Let's go to the next exhibit.

4   (Exhibit 35 was identified.)

5   BY MR. LAVIN:

6   Q.   The next Exhibit 35 has Bates number --

7   Exhibit 35 has Bates Numbers MPI-2981 through

8   MPI-3019, and I just want to ask you generally about

9   this exhibit.

10   Do you recognize what this is?

11   A.   Yes.

12   Q.   Okay. And what is this?

13   A.   It is a quarterly review, and we're talking

14 about the year-end review of 2017.

15   Q.   So every March or every first quarter, do

16 you give United a presentation on full analysis of

17 the previous year?

18   A.   We typically do provide them with

19 information.

20   Q.   But does the first quarter presentation of

21 every year sum up the previous year?

22   A.   It can sum up the previous year, and it can

23 also talk about the first quarter, depending on the

24 time of the year that we can get together. We might

25 combine the two.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 233

1   Q.   I see. So there could be different

2   meetings. The previous year-in-review meeting and

3   the first quarter meeting; right?

4   A.   Yes.
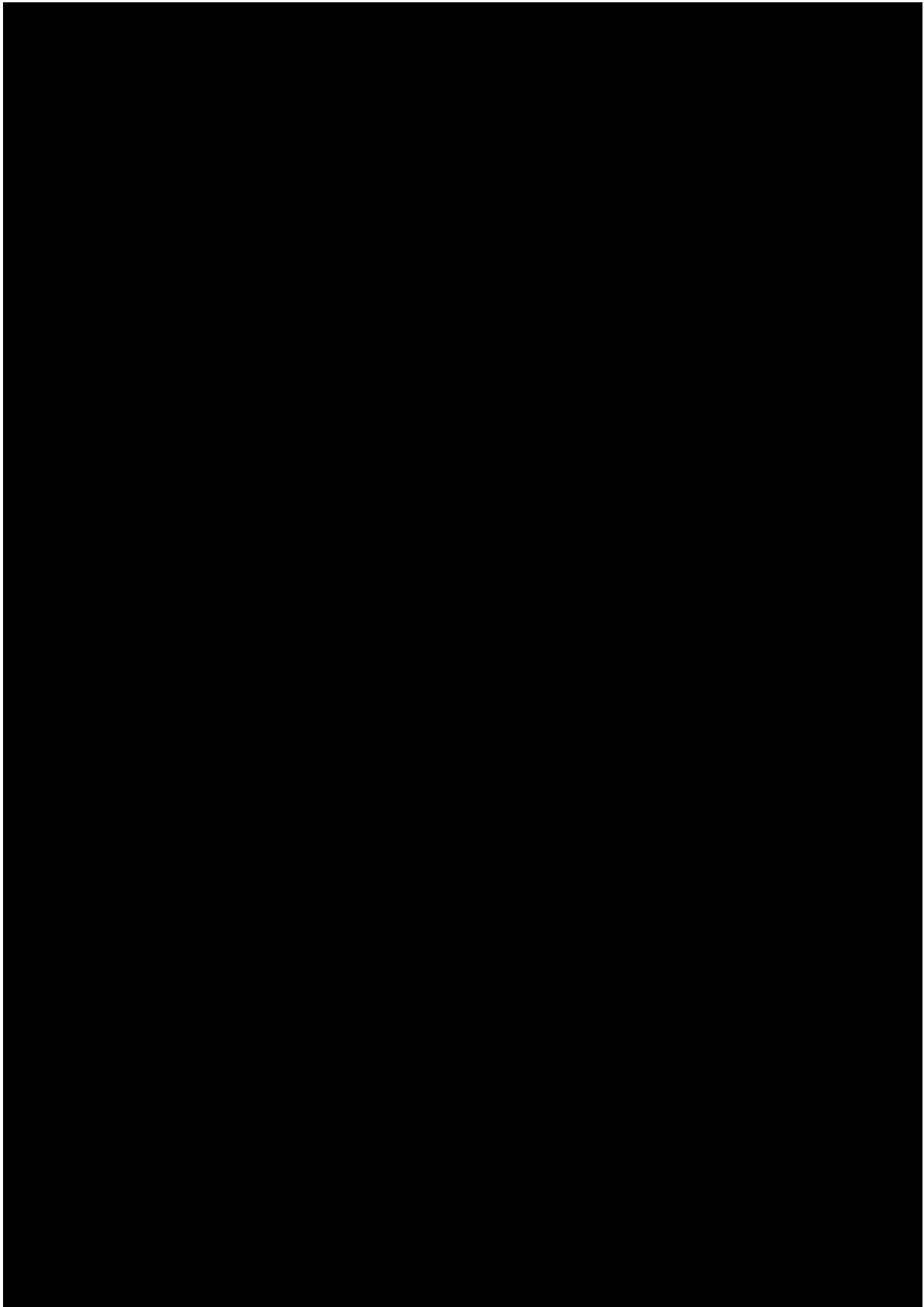
CONF AEO 30(b)(6) Jacqueline Kienzle July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 234

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Page 235

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Page 236

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 237

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15   MR. KING: Objection.

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18   MR. KING: Asked and answered.

19   You can answer again.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 238

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21   Q.   Are there currently any projects being

22   implemented that impact UB Facility percentiles?

23   A.   Not that I'm aware of.

24   Q.   Okay.   So there's nothing in the pipeline

25   right now that impacts that?

Page 239

1   A.   Not that I'm aware of.

2   Q.   Well, I mean, how -- you would be aware

3   of -- nothing on MultiPlan's end. Is that what

4   you're saying?

5   MR. KING: Note my objection. Asked and

6   answered twice.

7   BY MR. LAVIN:

8   Q.   Well, you said not that you're aware of.

9   You run the account with United. I can't imagine

10   projects that you're not aware of.

11   MR. KING: She said no. Then she said not

12   aware --

13   MR. LAVIN: Yeah, I -- we hear -- you don't

14   have to testify for her, Errol. Thanks a lot. I

15   appreciate it, though.

16   THE WITNESS: There -- so I have a team of

17   account managers that work with United day-to-day

18   operations, and so you saw that project list that

19   gets updated.

20   BY MR. LAVIN:

21   Q.   Yeah.

22   A.   I'm not in a day to day working on every

23   single initiative. There could be something. I'm

24   not in the day to day. I'm not aware --

25   Q.   Okay.

Page 240

1   A.   -- of -- I see --

2   Q.   When would a project come to your attention?

3   MR. KING: Note my objection.

4   You can answer.

5   THE WITNESS: I mean, it -- I mean, my

6   account manager works on the projects that would --

7   if United is initiating a project, they work with my

8   account manager to talk about the project, and so we

9   put a project plan together.

10   I'm aware of the project at a high level,

11   but I'm not in the day to day, oftentimes in the

12   weeds, of that project.

13   BY MR. LAVIN:

14   Q.   Okay. What does your average day look like,

15   average workday?

16   MR. KING: Note my objection.

17   You can answer.

18   THE WITNESS: I get up and I start at 7:00,

19   and I'm done at 6:00.

20   BY MR. LAVIN:

21   Q.   And what are you doing during that time?

22   MR. KING: Seriously?

23   MR. LAVIN: Yeah, seriously. Seriously,

24   Errol.

25   THE WITNESS: I'm meeting internally with my

Page 241

 1   team. I'm meeting with our colleagues. I've got

 2   standing meetings. I do attend the meetings for

 3   United. I also manage the affiliates. So I'm not

 4   just working on big United. I'm working on the

 5   affiliate relationships; so I have meetings with the

 6   affiliates.

 7   BY MR. LAVIN:

 8   Q. Okay. What did you do yesterday? What was

 9   your schedule yesterday?

10   MR. KING: Note my objection.

11   BY MR. LAVIN:

12   Q. Well, yesterday you met --

13   A. I --

14   (Simultaneous crosstalk)

15   BY MR. LAVIN:

16   Q. -- with Errol. What about last Friday?

17   A. I came --

18   MR. KING: What is the purpose of all of

19   this, Matt? I'm failing to get it.

20   MR. LAVIN: I'm trying to understand the

21   project she's working on, right, and the different

22   contacts she has with United throughout the day.

23   MR. KING: She didn't testify she was

24   working on a project.

25   ///

Page 242

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 1   BY MR. LAVIN:

 2        Q.   Yeah, the question is what was your -- what

 3   did you do last Friday?  For example, how many times

 4   did you have contact with UnitedHealthcare last

 5   Friday?

 6        A.   Last Friday i got back from traveling

 7   Thursday night so I was digging out on emails and

 8   attending regular standing meeting, and I did not

 9   have any conversation with United on Friday.

10        Q.   Did you have any email communication with

11   UnitedHealthcare on Friday, not their affiliates?

12        A.   With them?

13        Q.   With them.  With UnitedHealthcare.

14        A.   No.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp
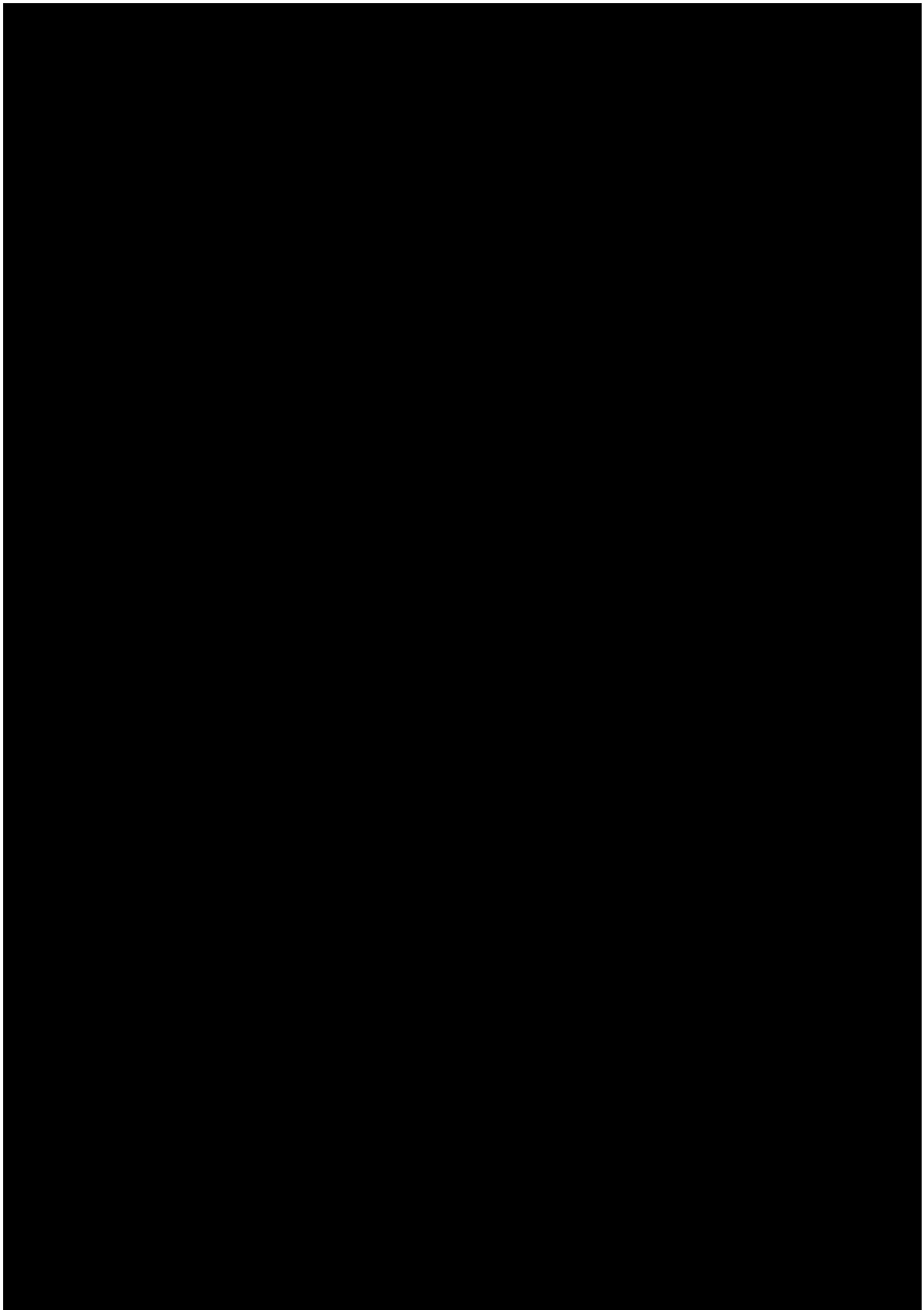
Page 243

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Page 244

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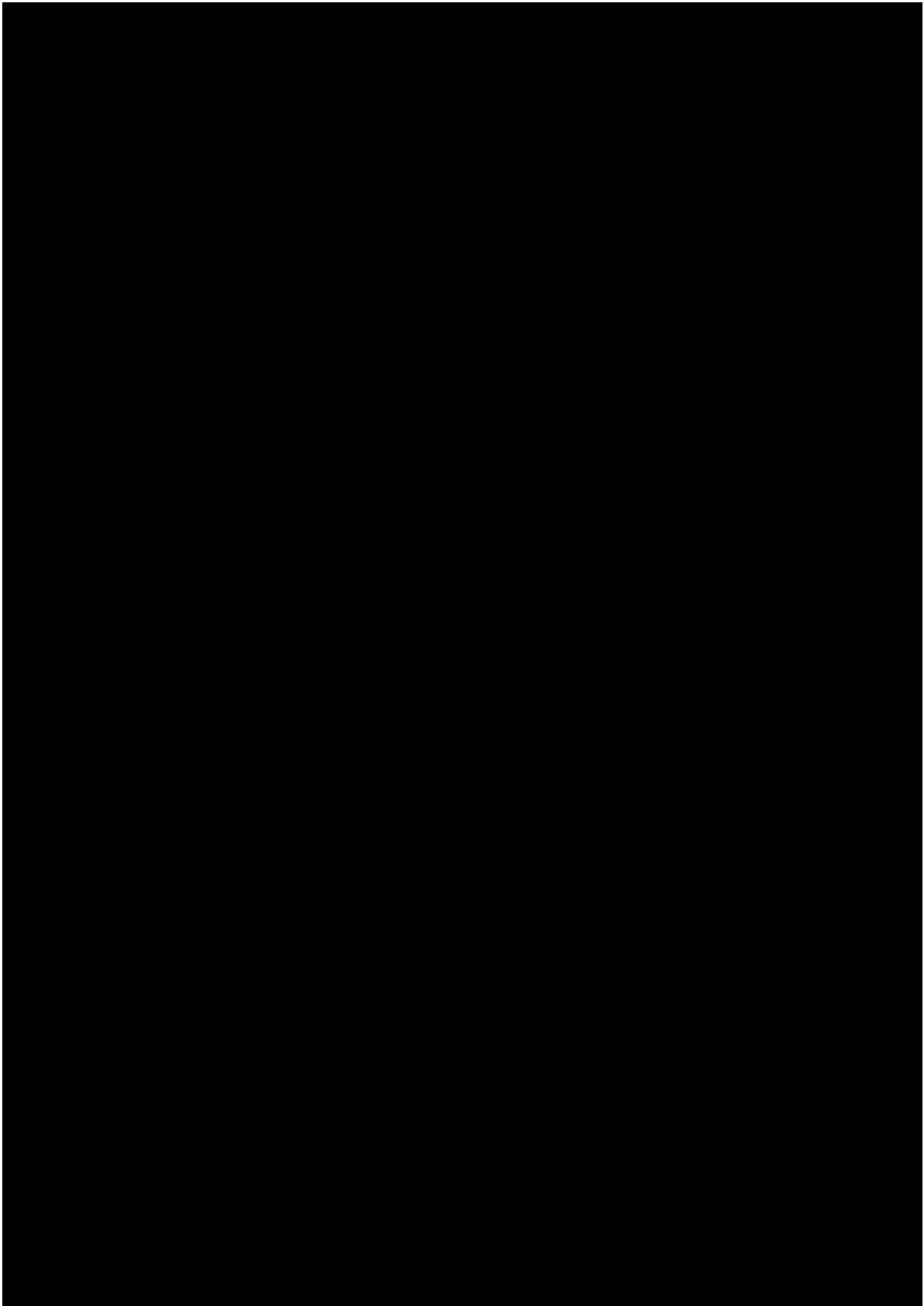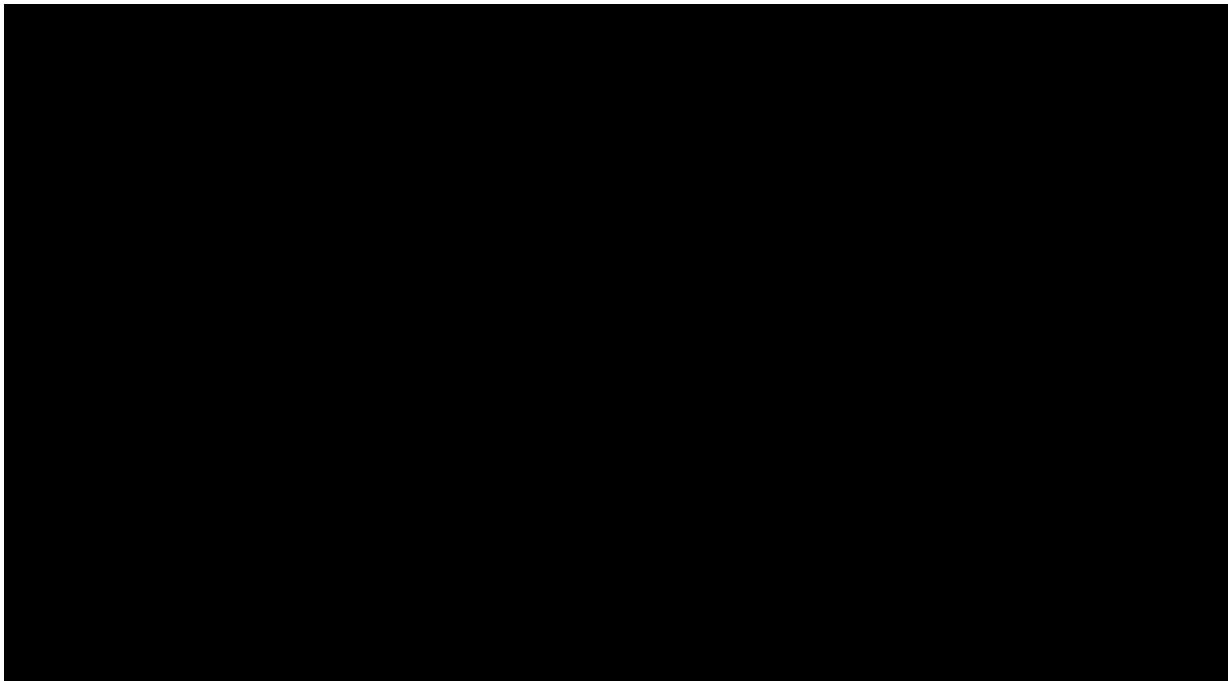20

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Page 245

22 they're all -- we've covered the important topics on

23 them. Let's jump ahead to Tab 43.

24   (Exhibit 37 was identified.)

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Page 246

1   BY MR. LAVIN:

2   Q.   And Exhibit 37 is Bates Numbers UHC10708

3   through UHC10709.

4   Do you recognize this document?

5   A.   I do.
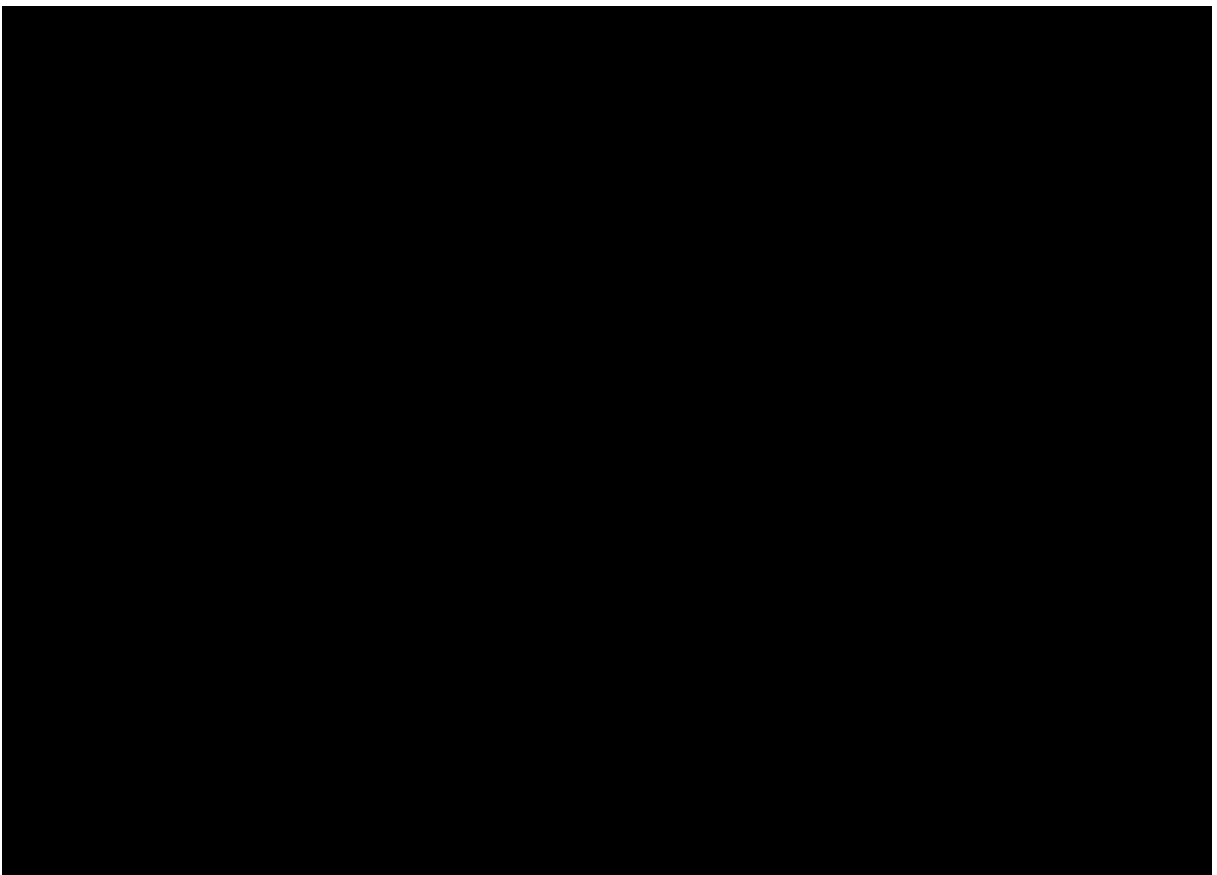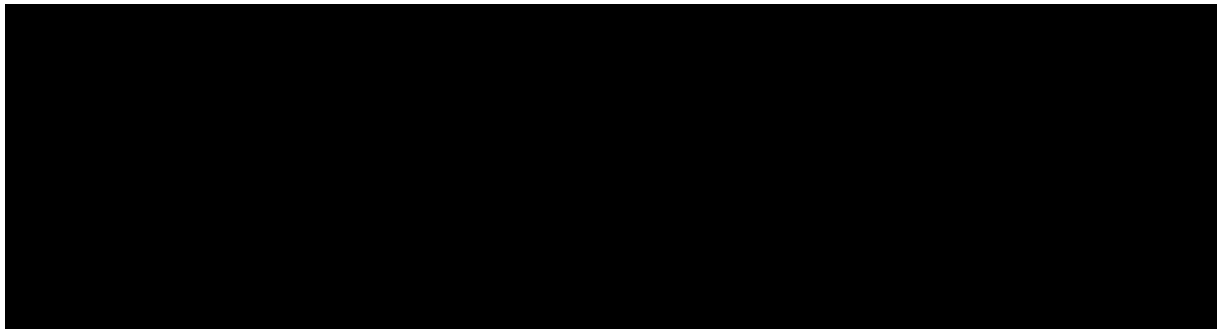
24   Q.   Move ahead to the next exhibit.

25   (Exhibit 38 was identified.)

Page 247

1   BY MR. LAVIN:

2   Q.   And Exhibit 38 bears Bates Numbers UHC10222

3   through 10223.

4   A.   Uh-huh. I got it.

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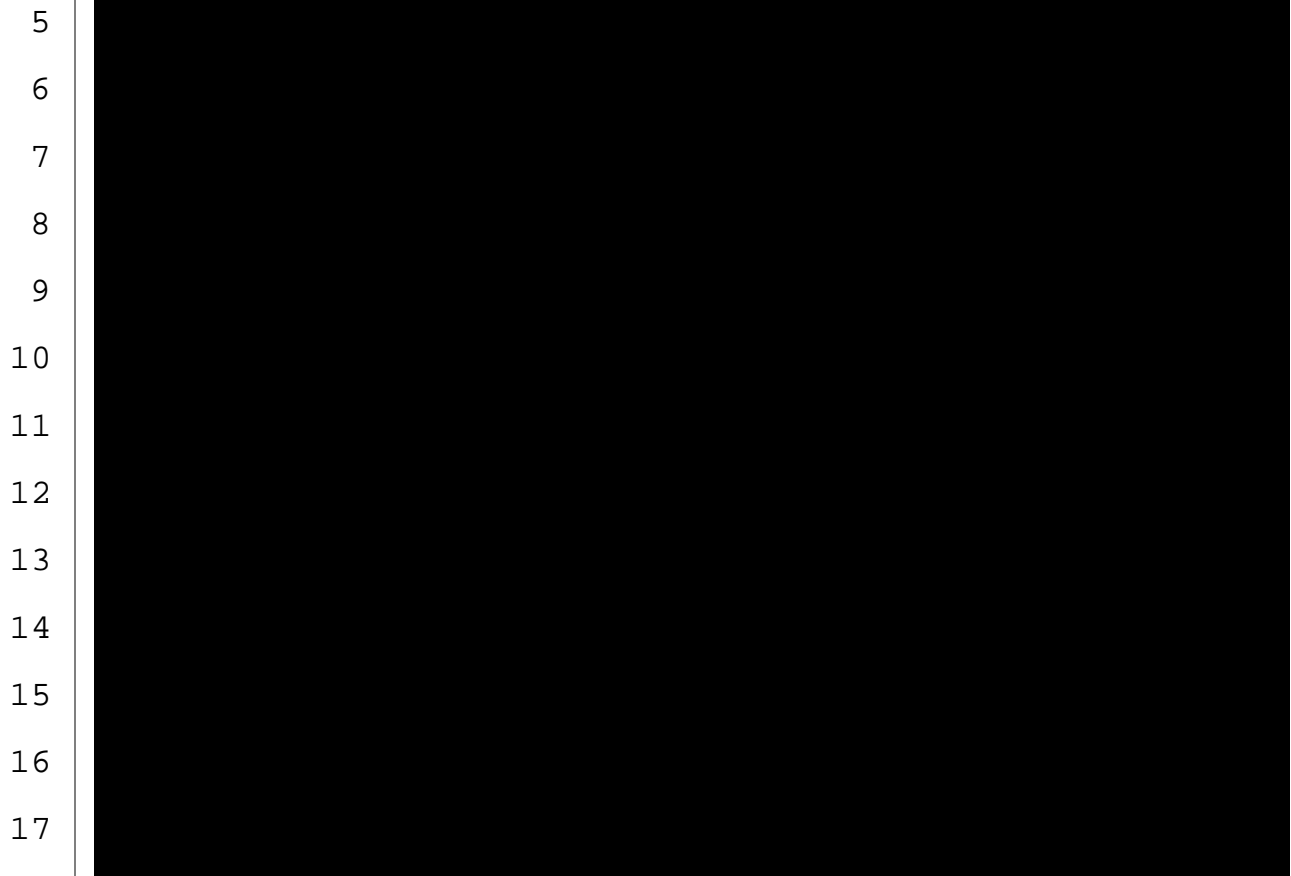
18   Q.   Let's move on to the next exhibit.

19   (Exhibit 39 was identified.)

20   BY MR. LAVIN:

21   Q.   So Exhibit 39 is Bates Numbers UHC10285.

22   This is an email from Lisa LaMaster, January 2019, to

23   you, Ms. Kienzle, and Mark Edwards and Rebecca

24   Paradise.

25   Who is Lisa LaMaster?

Page 248

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3   MR. KING: You said --

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

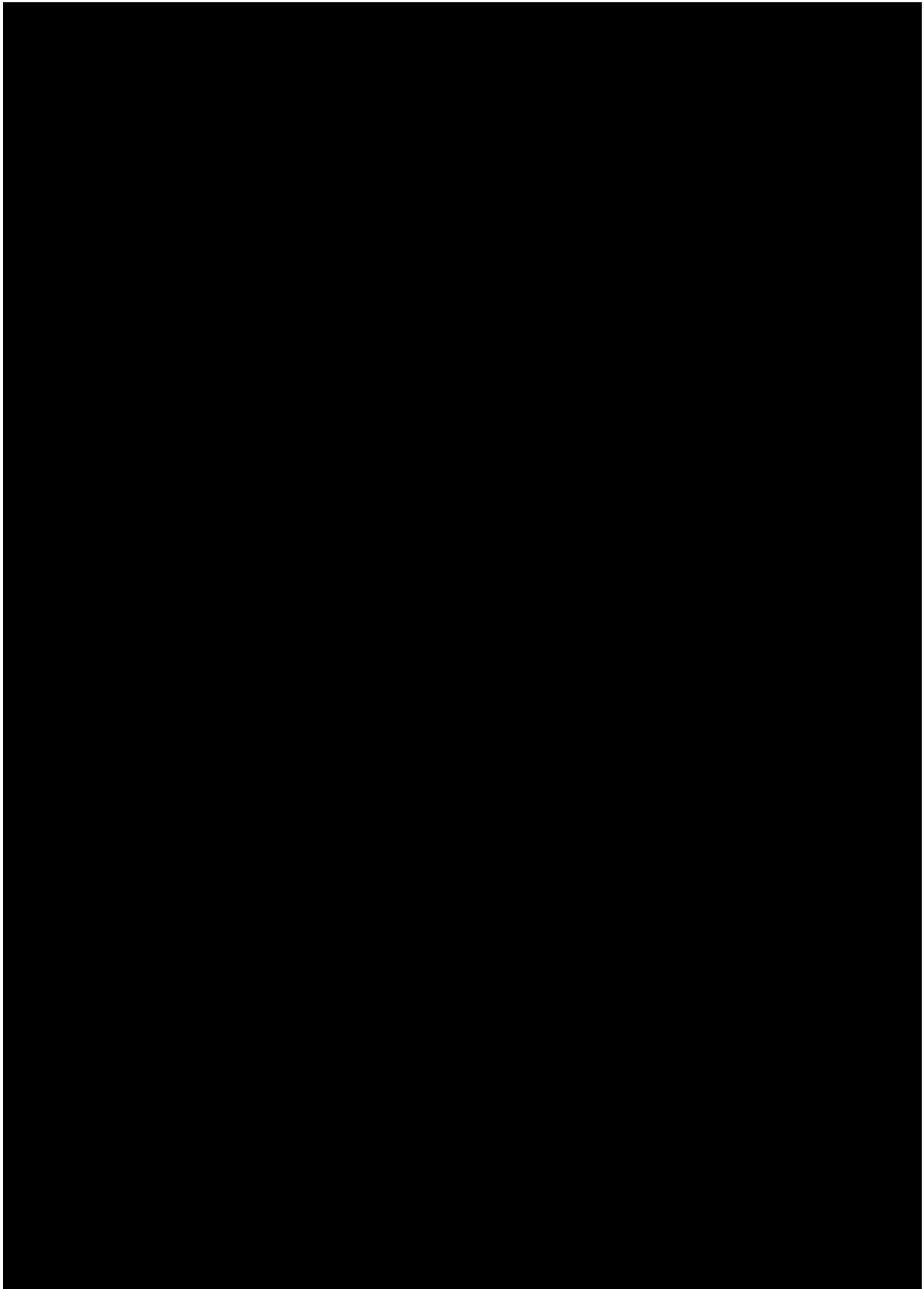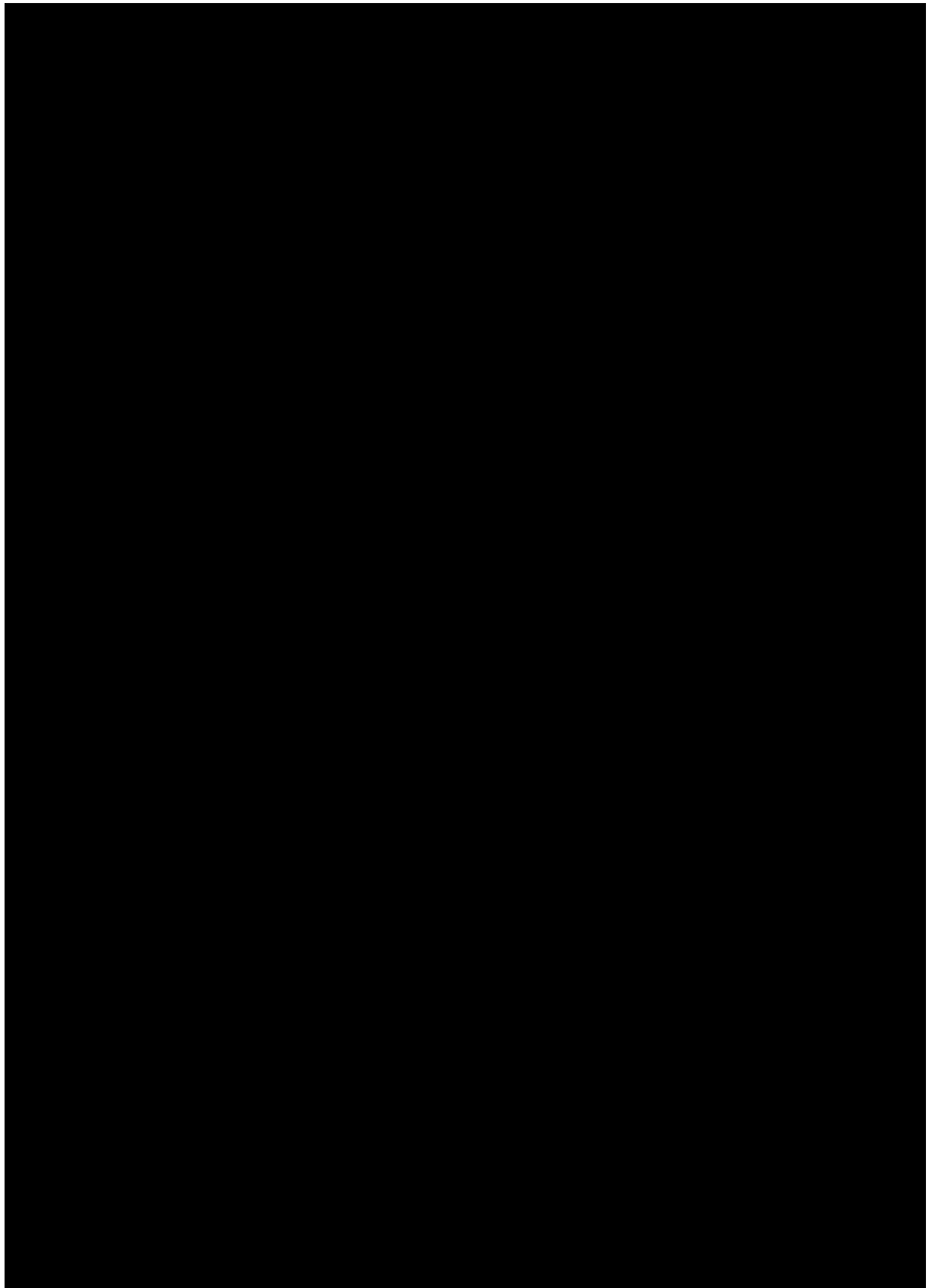Page 249

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Page 250

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Page 251

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Page 252

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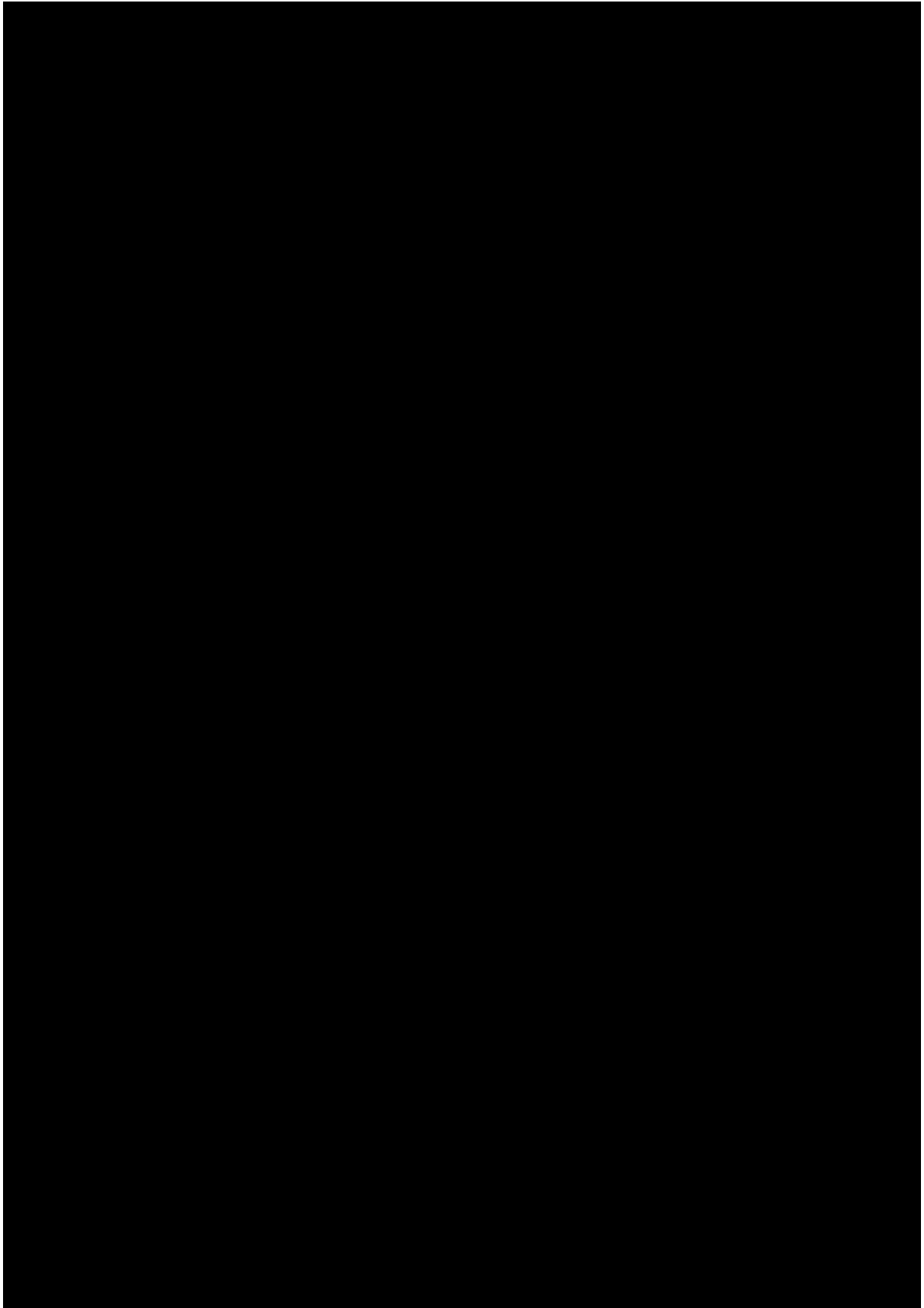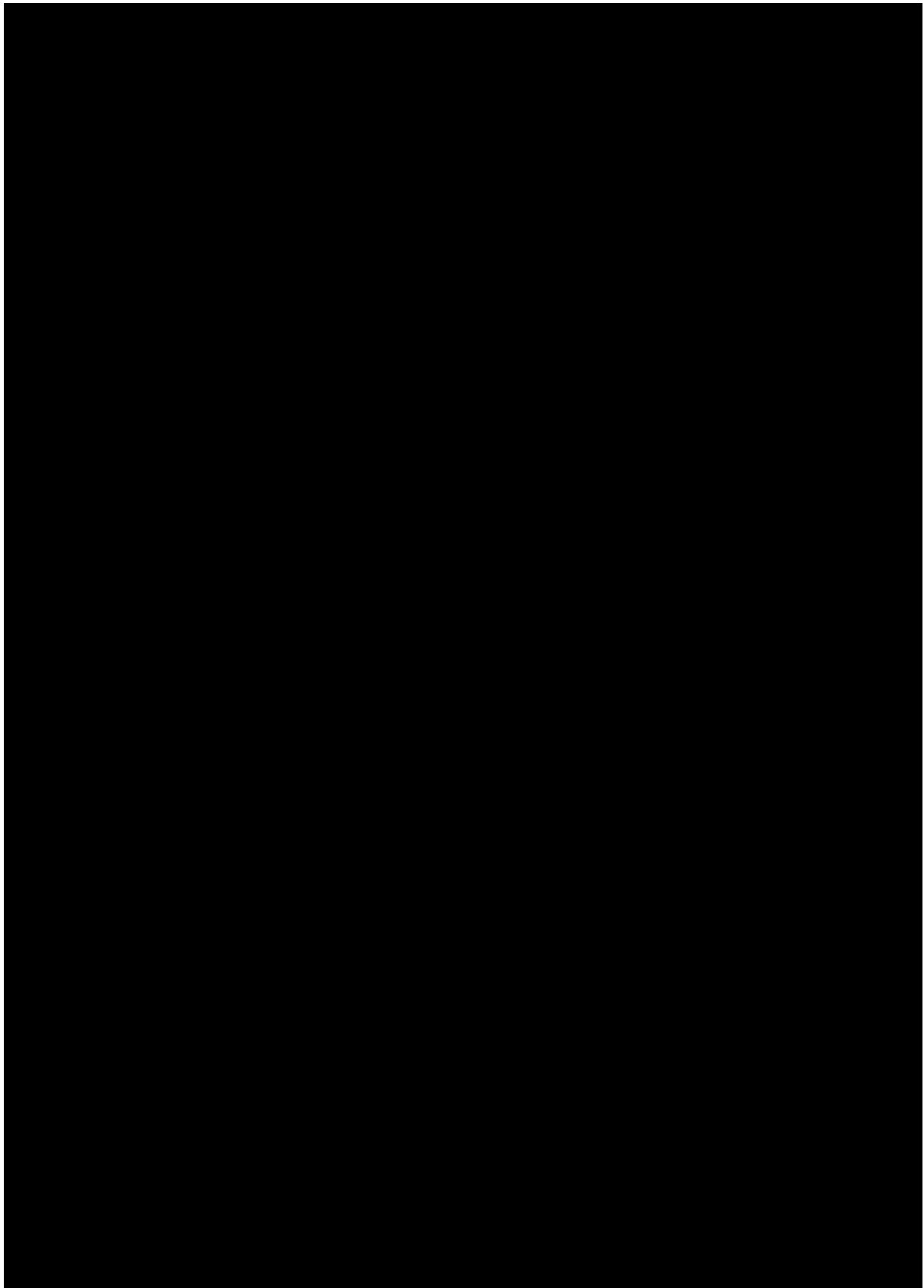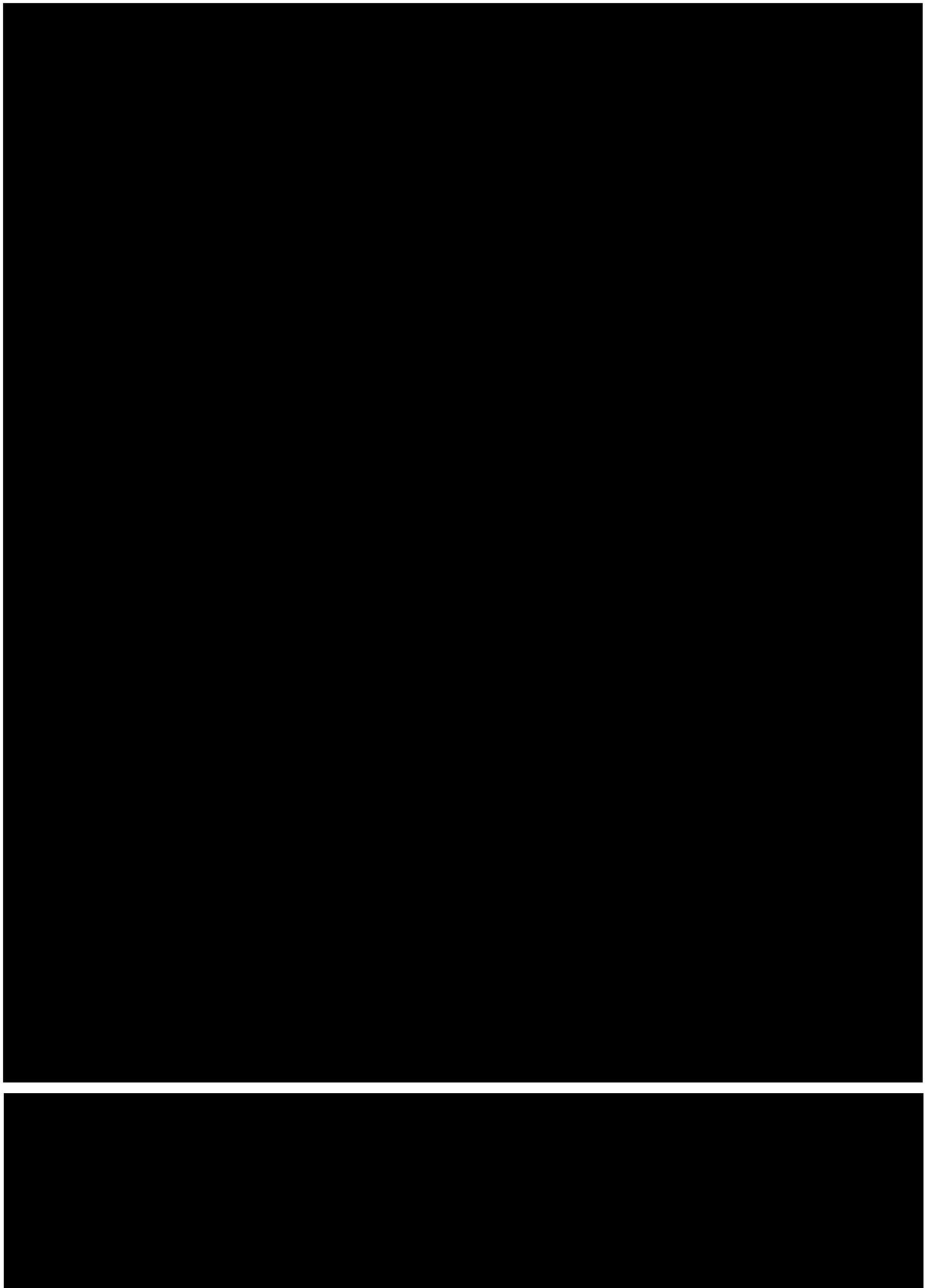
5   on.

6   Q.   Let's go to the next exhibit.

7   (Exhibit 40 was identified.)

8   BY MR. LAVIN:

9   Q.   So the next exhibit, Exhibit 40, Bates

10   Numbers UHC4017 through UHC4019. And this is an

11   email from Ray Lopez to Mark Edwards --

12   A.   Uh-huh.

13   Q.   -- or some others. Included on there Jolene

14   Bradley.

15   Are you able to describe what they're

16   discussing in this email, Ms. Kienzle?

17   MR. KING: Note my objection. Email speaks

18   for itself. She's not a party to it, but she can

19   answer.

██████████████████████████████████

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 253

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7   Q.   All right.   Let's go to the next exhibit.

8   (Exhibit 41 was identified.)

9   BY MR. LAVIN:

10   Q.   Okay.   Exhibit 41 is Bates Numbers UHC8828

11   through UHC8832.

12   A.   I've got it.

13   Q.   It's from the year 2919.   And I have a

14   question about one thing in this document.   So

15   this -- would you agree with me this is a meeting

16   agenda for a meeting that took place in like

17   October 3, probably 2019?

18   A.   Yes.

19   Q.   All right.   And was this one of the

20   governance meetings --

21   A.   Yes.

22   Q.   -- or was it operations?

23   A.   Governance meeting.

24   Q.   This is a governance meeting?

25   A.   Yep.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 254

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 255

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Page 256

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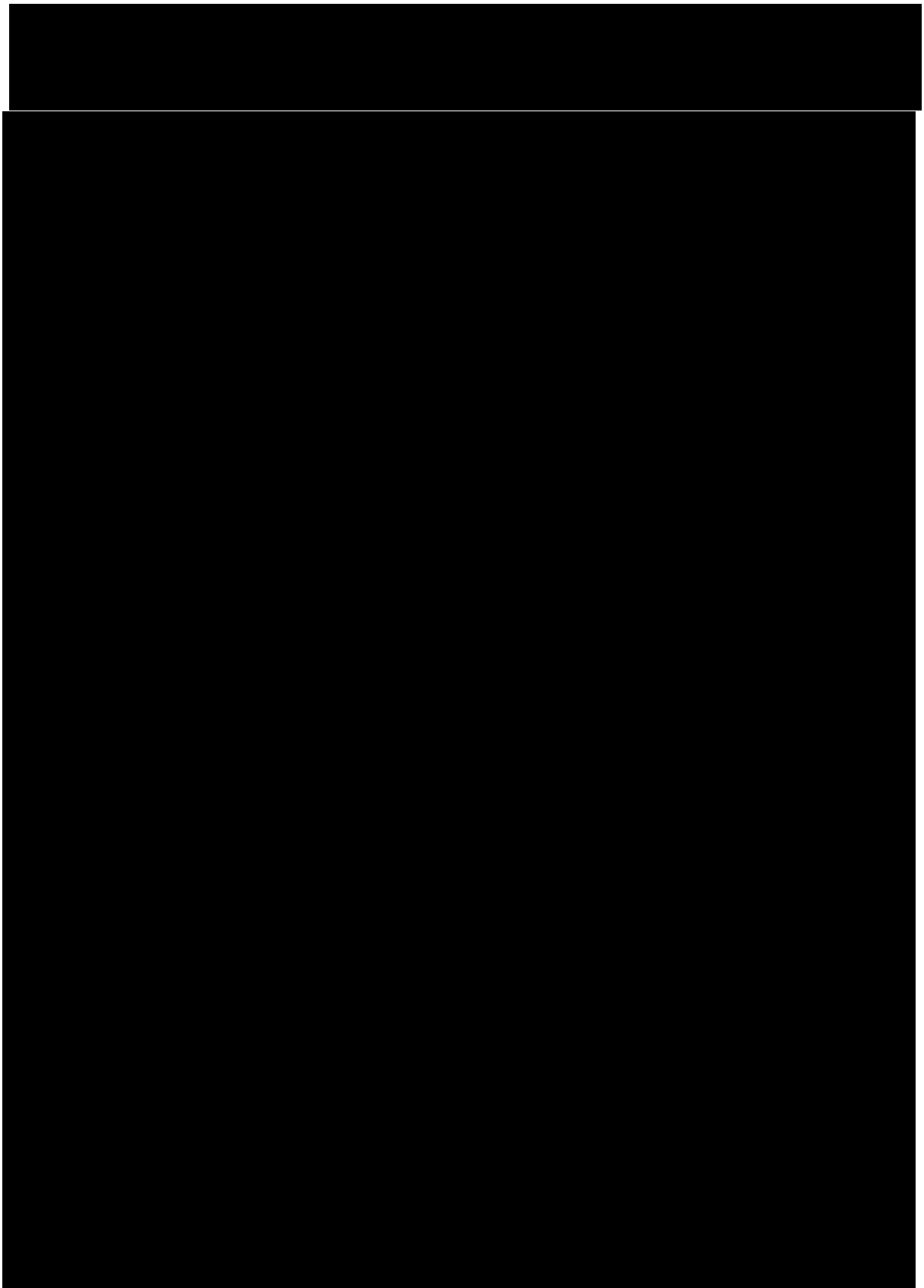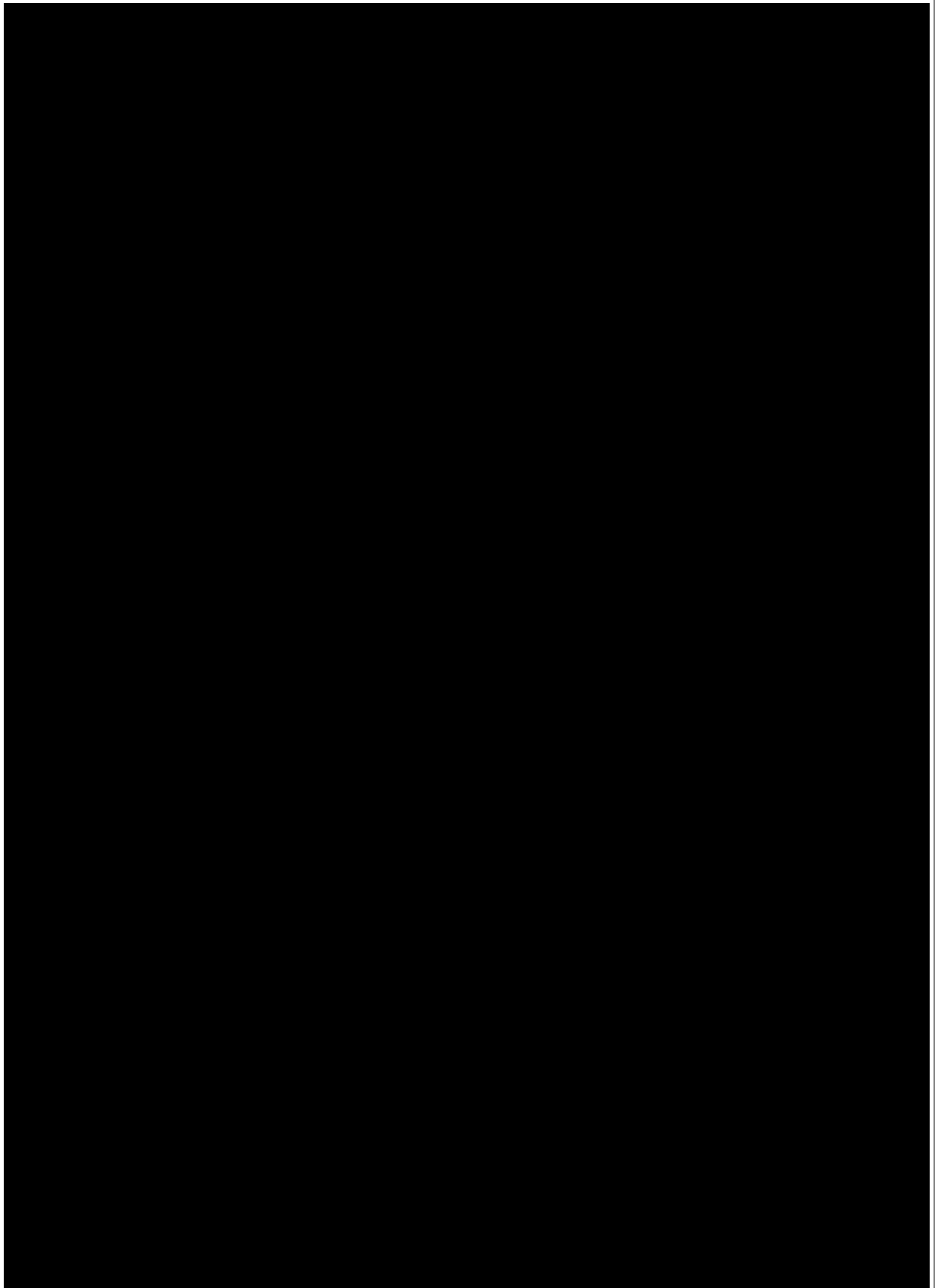
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13   (Exhibit 43 was identified.)

14   BY MR. LAVIN:

15   Q.   The next exhibit, I'm asking you in your

16   corporate capacity.

17   So Exhibit 43 bears Bates Numbers 13898 --

18   oh, and that's at -- it looks like there is a native

19   attached to it.

20   I want you to turn to the second page of

21   this document.

22   Are you with me?

23   A.   Yep.

24   Q.   Do you recognize that document at all?

25   A.   No.

Page 257

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7   MR. KING: No. No.

8   THE WITNESS: Sorry.

9   MR. KING: Objection. Calls for speculation

10   on what appears to be a United document.

11   But you can answer.

12

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17   MR. KING: Same objection.

18   You can answer.

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25   Q.   Move on to the next exhibit -- actually, you

Page 258

1   know what? Let's not do the next exhibit. Let's go

2   to Tab 51.

3   Nicole, we're going to do Tab 51.

4   (Exhibit 44 was identified.)

5   THE WITNESS: Okay. I have it open.

6   BY MR. LAVIN:

7   Q.   Okay. And so Tab 51 bears Bates Numbers

8   MPI-2019 through MPI-2020. And there's some

9   individuals on here.

10   Who is Sean -- excuse me. Mike Schill?

11   A.   Mike Schill is in Healthcare Economics.

12   Q.   And he works for Sean Crandell?

13   A.   Correct.

14   Q.   All right. And have you ever seen this

15   document before?

16   A.   I have not.

17   Q.   All right. Do you know what they're talking

18   about here?

19   A.   I could read it and guess, but, no.

20   Q.   Okay. Says, "Sean, does anybody understand

21   FH really real?"

22   Do you understand that that means Fair

23   Health?

24   MR. KING: Note my objection.

25   She can answer.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 259

1   THE WITNESS: If I scroll down and see Fair

2   Health, I would assume that's what that means.

3   BY MR. LAVIN:

4   Q. Okay. Do you know what Fair Health is?

5   A. Yes.

6   MR. KING: Note my objection. Asked and

7   answered.

8   You can answer.

9   BY MR. LAVIN:

10   Q. Would it -- what does Fair Health do?

11   MR. KING: Same objection.

12   THE WITNESS: Fair Health is the database

13   that replaced Ingenix.

14   BY MR. LAVIN:

15   Q. All right. What kind of data contained

16   within Fair Health, if you know?

17   MR. KING: Objection. Foundation.

18   You can answer.

19   THE WITNESS: I don't know that level of

20   detail.

21   BY MR. LAVIN:

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Page 260

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10   MR. KING: Same objection.

11   You can answer.

12   THE WITNESS: No, I do not.

13   BY MR. LAVIN:

14   Q. Do you know if he's referencing the

15   complaint in this case?

16   MR. KING: Note my objection. Same

17   objection. This is an email that does not concern

18   her that she says she's never seen before. That's --

19   you're deposing the person who was sent to on

20   Thursday.

21   But you can answer.

22   THE WITNESS: No, I have never seen it, and

23   I don't know what it's referencing.

24   BY MR. LAVIN:

25   Q. Okay. Let's go to the next exhibit.

Page 261

 1   (Exhibit 45 was identified.)

 2   MR. LAVIN: You know what? Let's skip the

 3   next exhibit actually, because I don't think -- take

 4   that one down if it's possible.

 5   All right. Can we take a break for a

 6   minute? We're going to go through some documents

 7   here and see if we can streamline the last little bit

 8   of this.

 9   MR. KING: Okay.

10   MR. LAVIN: The last part of this.

11   MR. KING: Okay.

12   THE VIDEOGRAPHER: This is -- would you like

13   to go off the record, Counsel, or do you want to stay

14   on?

15   MR. LAVIN: Let's go off the record.

16   THE VIDEOGRAPHER: This is the end of Media

17   Number 5. Going off the record. The time is 2:46.

18   (Recess taken.)

19   THE VIDEOGRAPHER: We're back on the record.

20   The time is 3:24. This is the beginning of Media

21   Number 6.

22   BY MR. LAVIN:

23   Q. All right. Ms. Kienzle, if you could take a

24   look at what's been marked as Exhibit 46.

25   (Exhibit 46 was identified.)

Page 262

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 1              THE WITNESS:  Yep.

 2              MR. KING:  She has it.

 3    BY MR. LAVIN:

 4        Q.   And Exhibit 46 bears Bates Number MPI-9603.

 5    It is -- it was attached to a one-page email, which I

 6    think we're going to put up as Exhibit 47.

 7              But do you recognize this document?

 8        A.   I do.

 9        Q.   What is this document?
```

Page 263

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 264

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Page 265

Page 266

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 267

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 268

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Page 269

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 270

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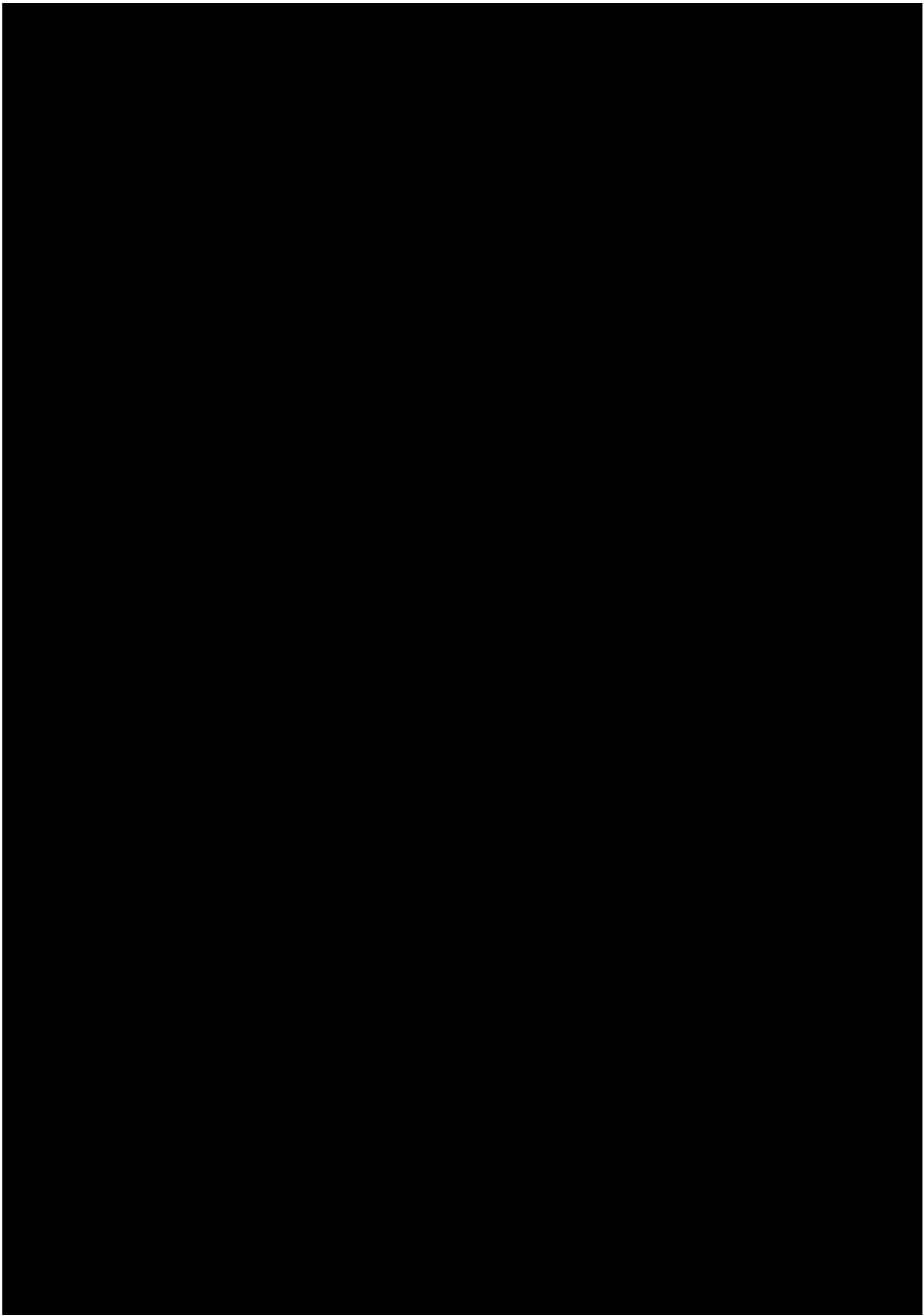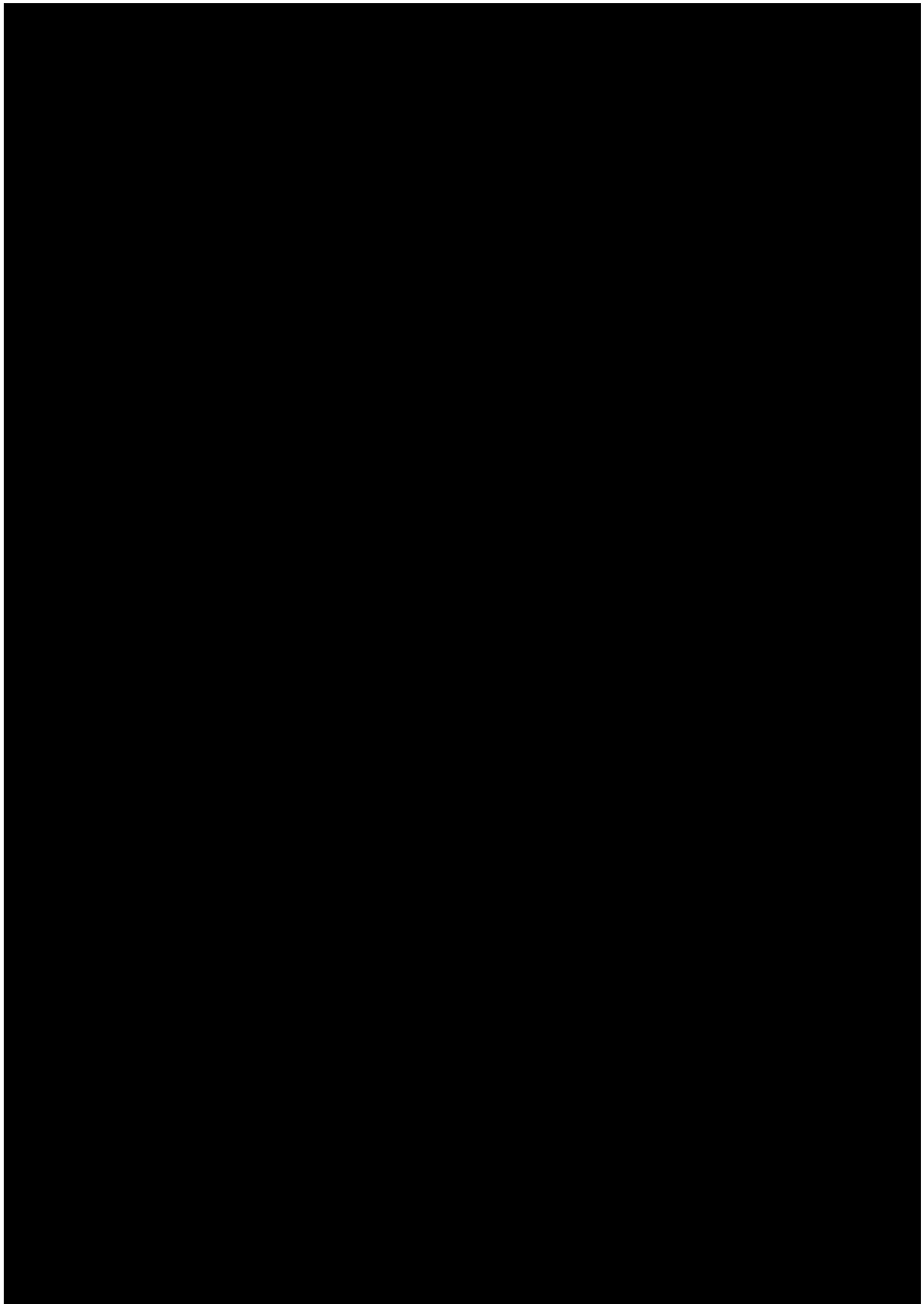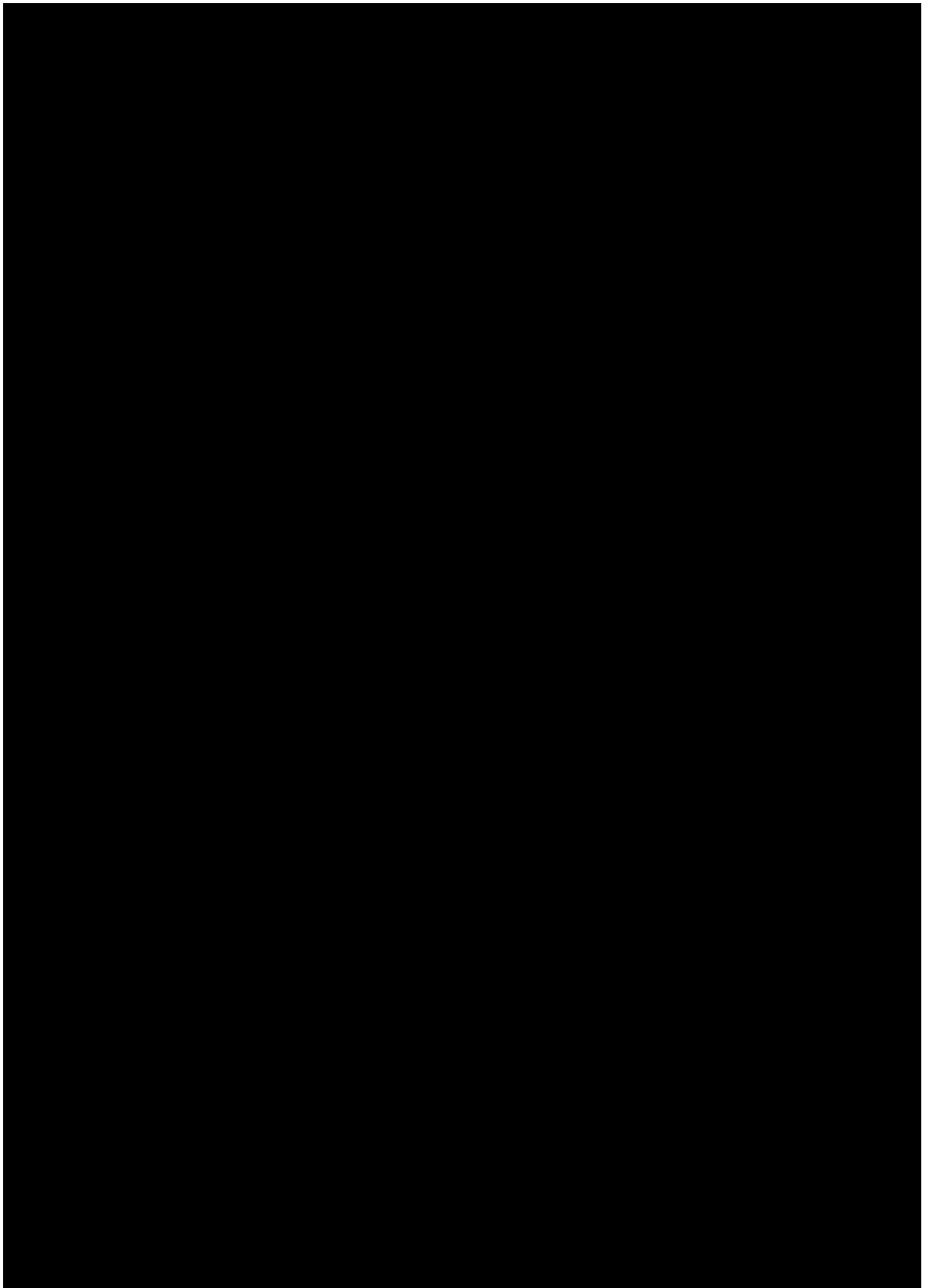
11   Again, this is the only place we have these

12   savings reports, and we request that all of them be

13   produced for the relevant time periods.

14   All right. Let's go to the next exhibit.

15   (Exhibit 48 was identified.)

16   MR. LAVIN: And, Nicole, is there a cover

17   email for this exhibit?

18   MS. WEMHOFF: One moment.

19   MR. LAVIN: And, if so, can you post it as

20   the next exhibit. We may want to go to that first.

21   MS. WEMHOFF: I'll upload that right now.

22   MR. KING: Ready?

23   THE WITNESS: It's not there.

24   MR. KING: Oh, I have it.

25   THE WITNESS: Do you have it?

Page 271

1   He's waiting for the other one.

2   MR. KING: What are we waiting on?

3   MR. LAVIN: We're waiting on the cover email

4   to Exhibit 48 to be uploaded.

5   MS. WEMHOFF: It should be up.

6   MR. LAVIN: To provide context for the

7   exhibit.

8   (Exhibit 49 was identified.)

9   MR. LAVIN: Okay. There it is.

10   BY MR. LAVIN:

11   Q. If you can take a look at Exhibit 49, and

12   Exhibit 49 bears Bates numbers MPI-10670 through

13   MPI-10676. And if you could take a second to review

14   this.

15   A. Okay.

16   Q. And do you recognize this document,

17   Ms. Kienzle?

18   A. I was on the email. So, yes.

19   Q. Is this a document you reviewed for this

20   deposition today?

21   A. I could have seen it. I don't recall.

22

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 272

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Page 273

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Page 274

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19   Q.   Do providers have network reps at MultiPlan?

20   MR. KING: Note my objection.

21   You can answer.

22   THE WITNESS: Do providers have network reps

23   at MultiPlan?

24   BY MR. LAVIN:

25   Q.   Correct.

Page 275

1   A.   Like, they're onsite with MultiPlan?
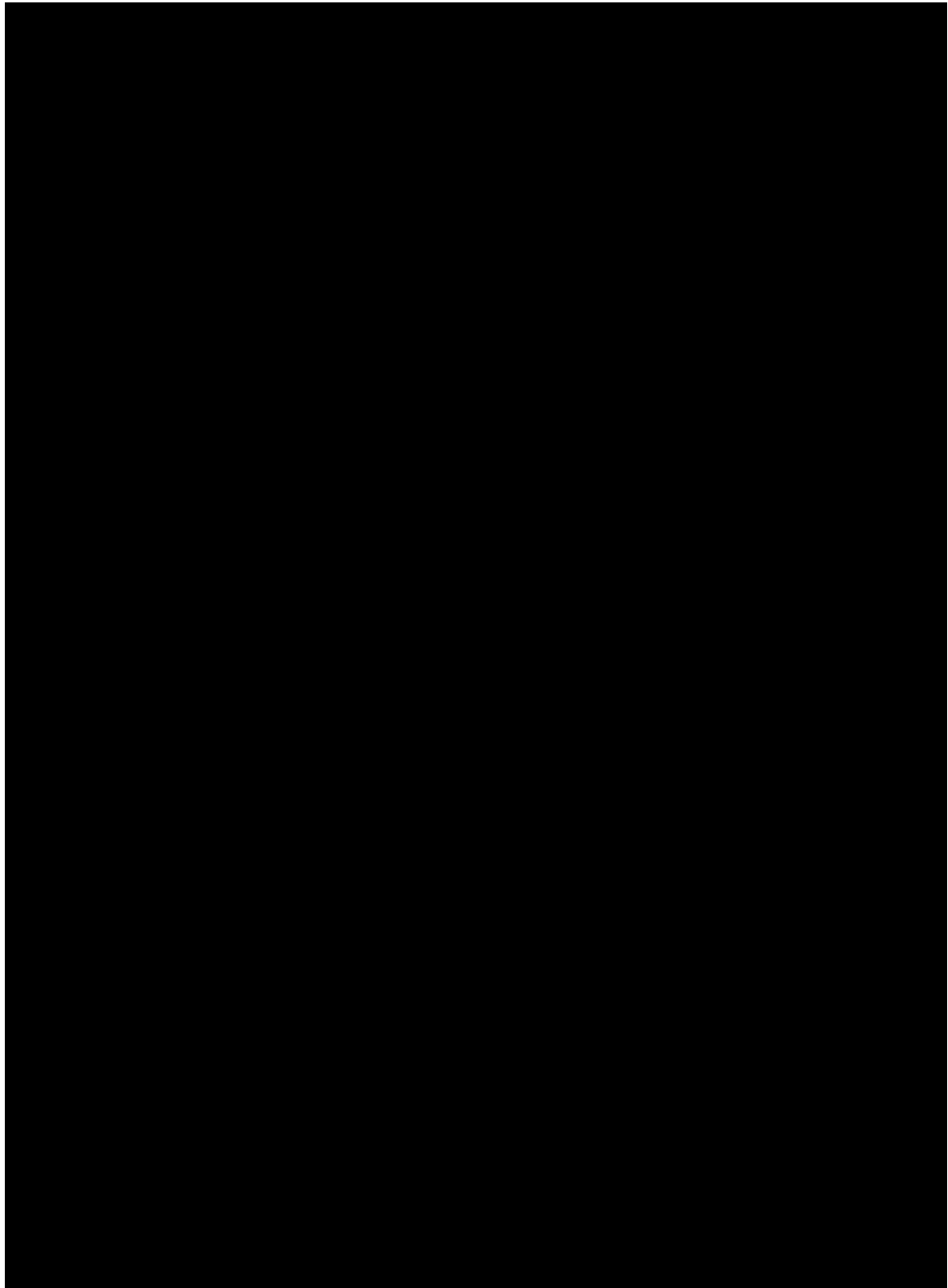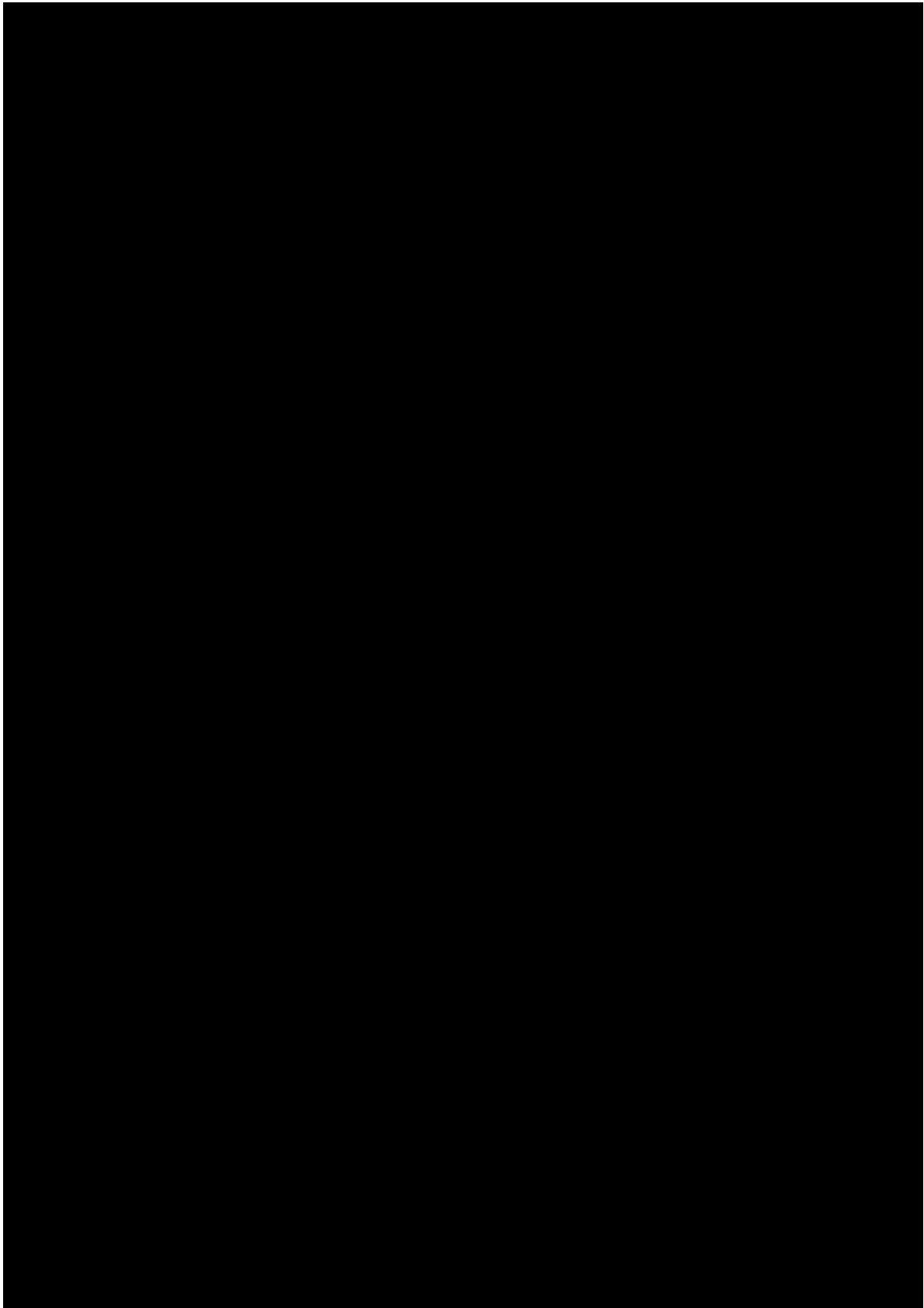
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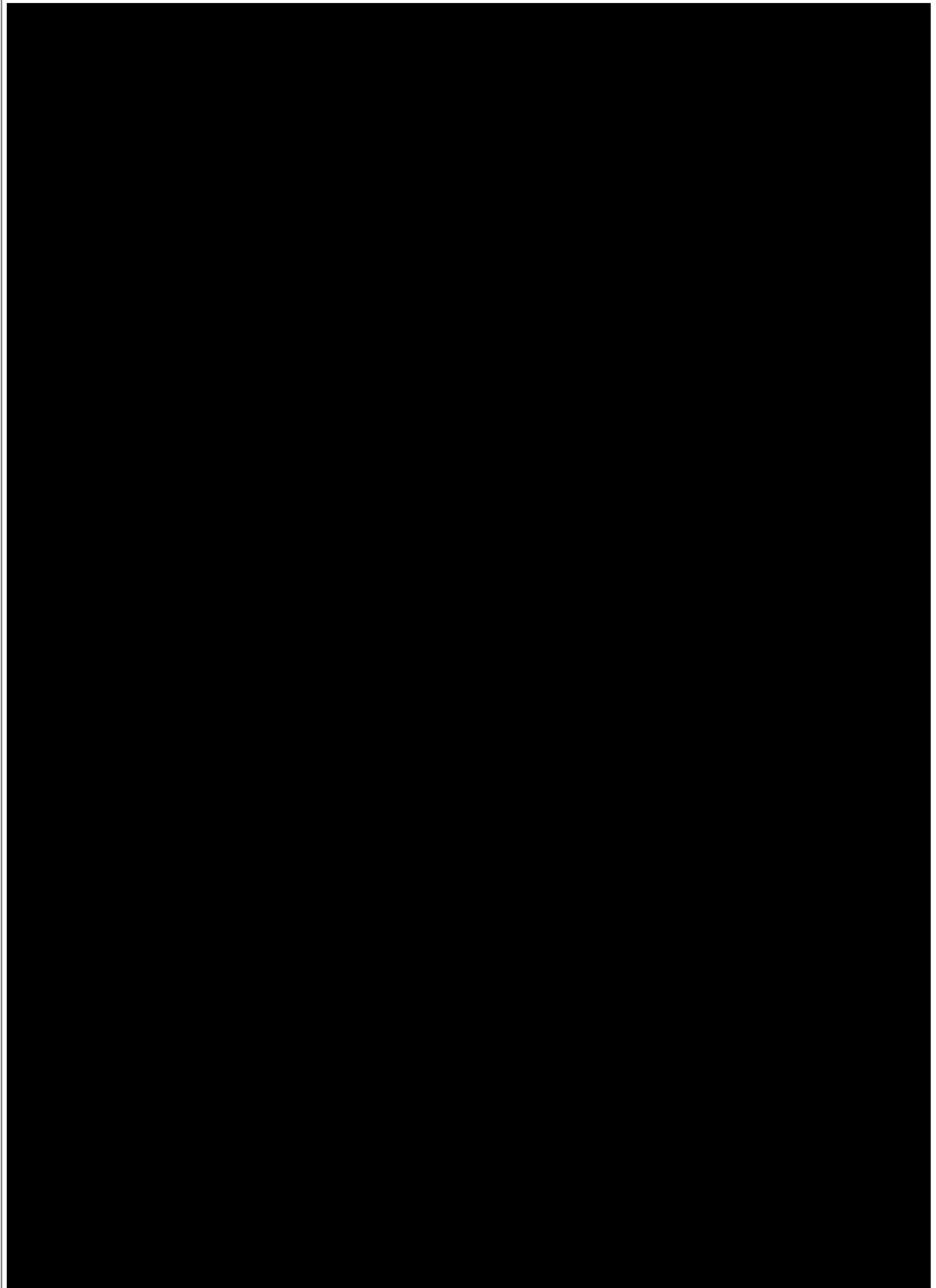LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 276

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Page 277

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 278

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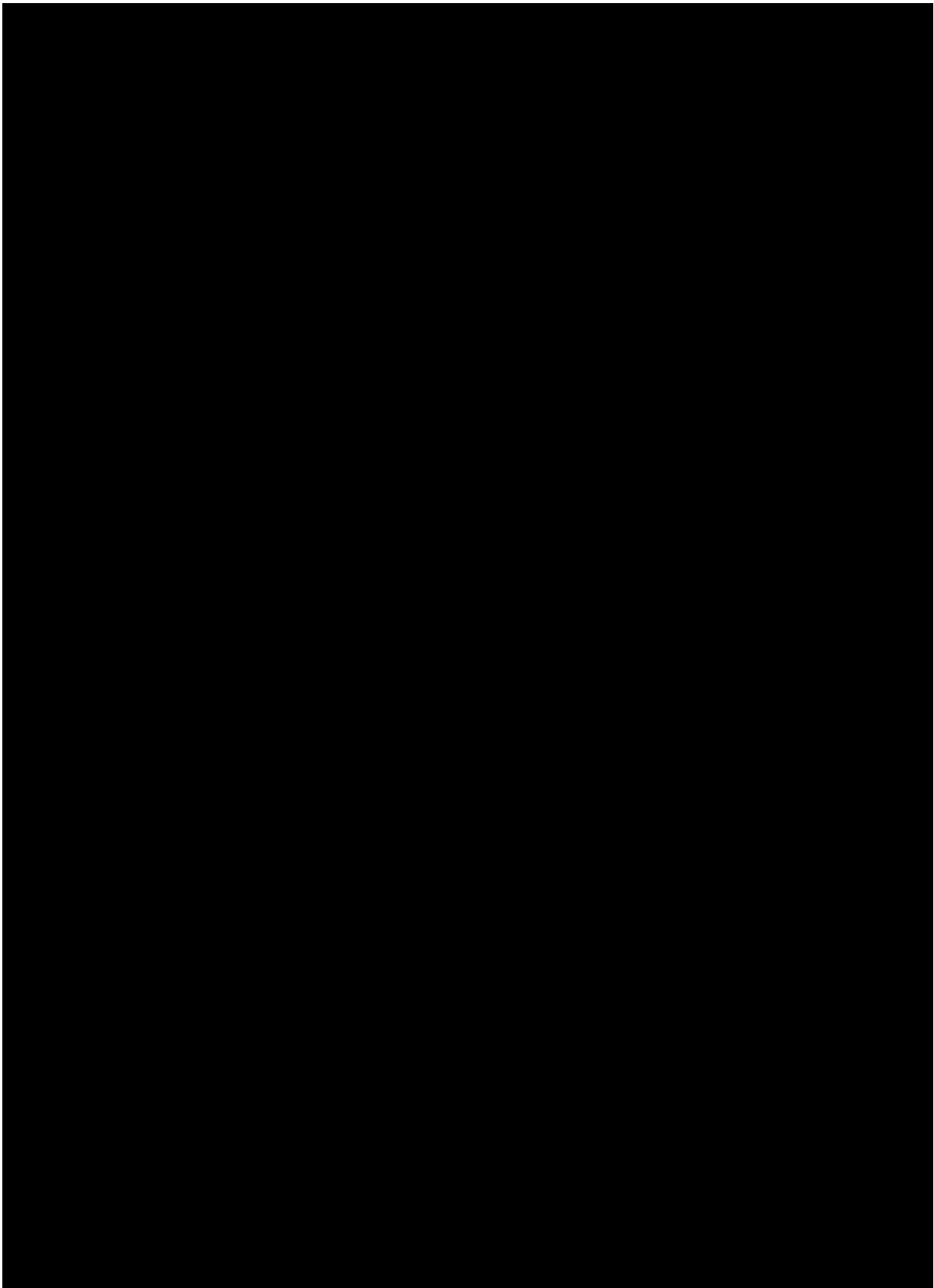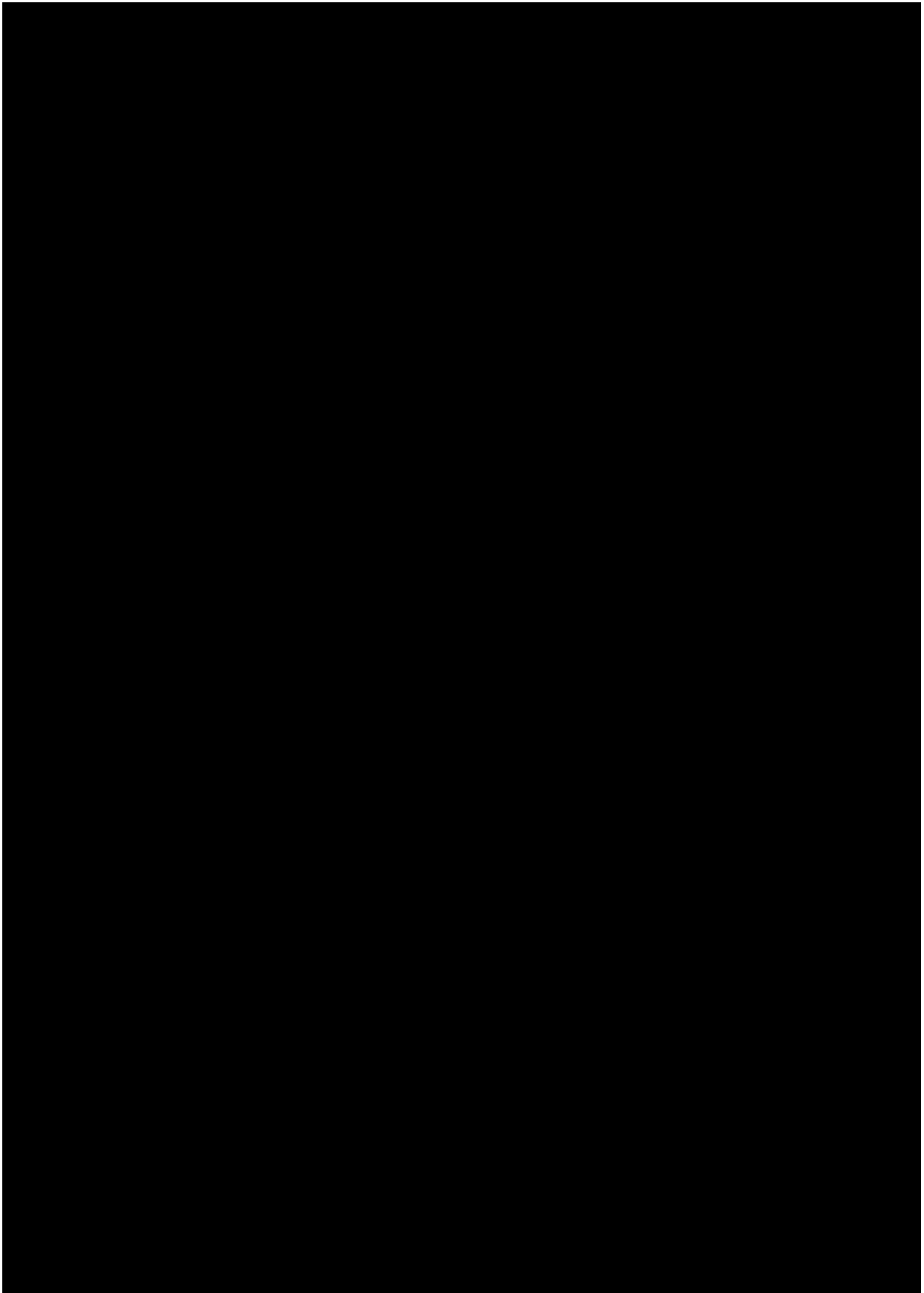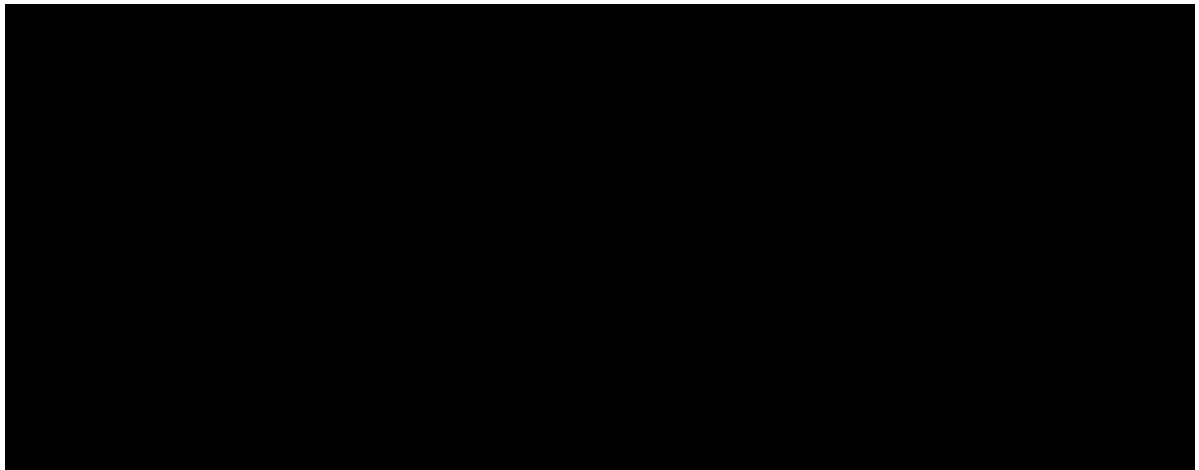
8   Q.   Okay. So if a provider has -- going back to

9   the question I had a little while ago. If they had a

10   contract, a Wrap network contract with MultiPlan, is

11   there a representative? Do they have, like, an

12   account representative also at MultiPlan?

13   MR. KING: Note my objection. Ms. Kienzle

14   works in sales. That's a network question.

15   THE WITNESS: Yeah, I don't --

16   BY MR. LAVIN:

17   Q. You --

18   A. I don't know. I mean, I know we have

19   contractors, but I don't know, you know, from that
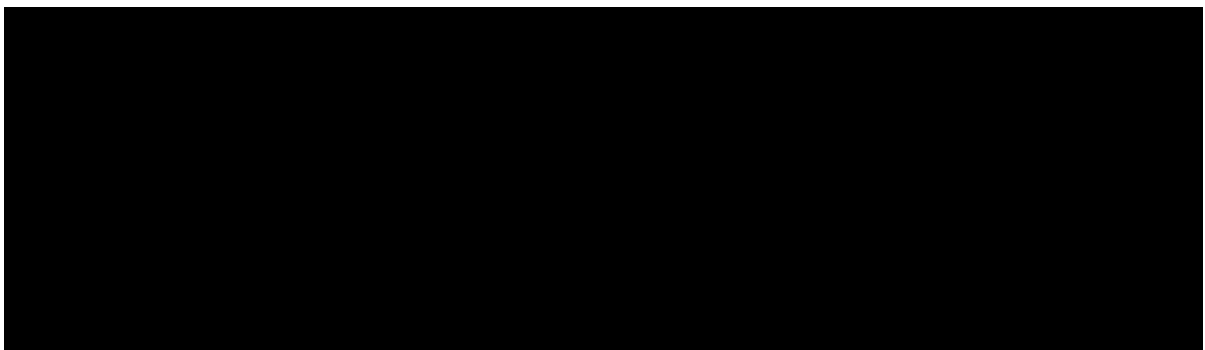
20   level.

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Page 280

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 281

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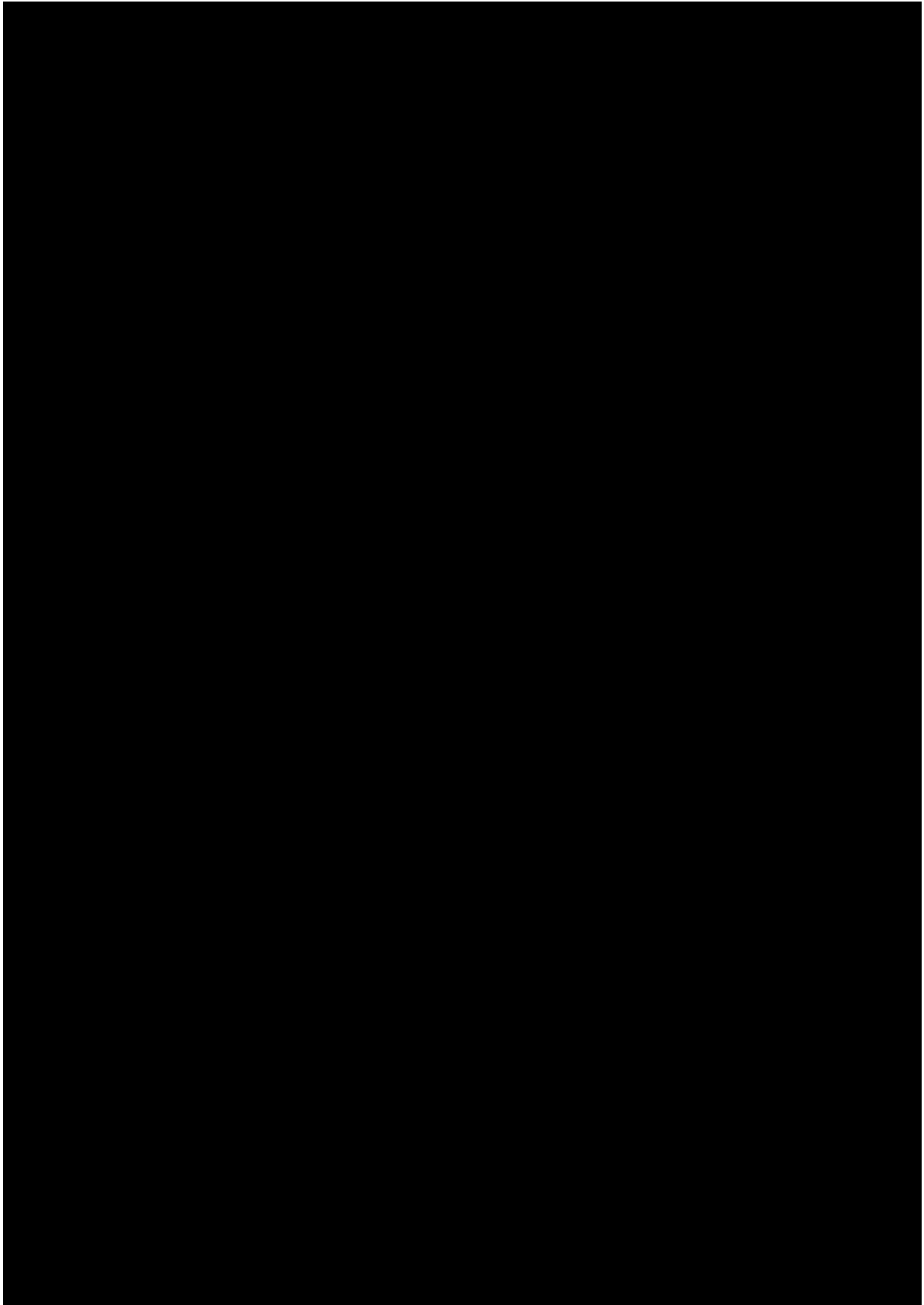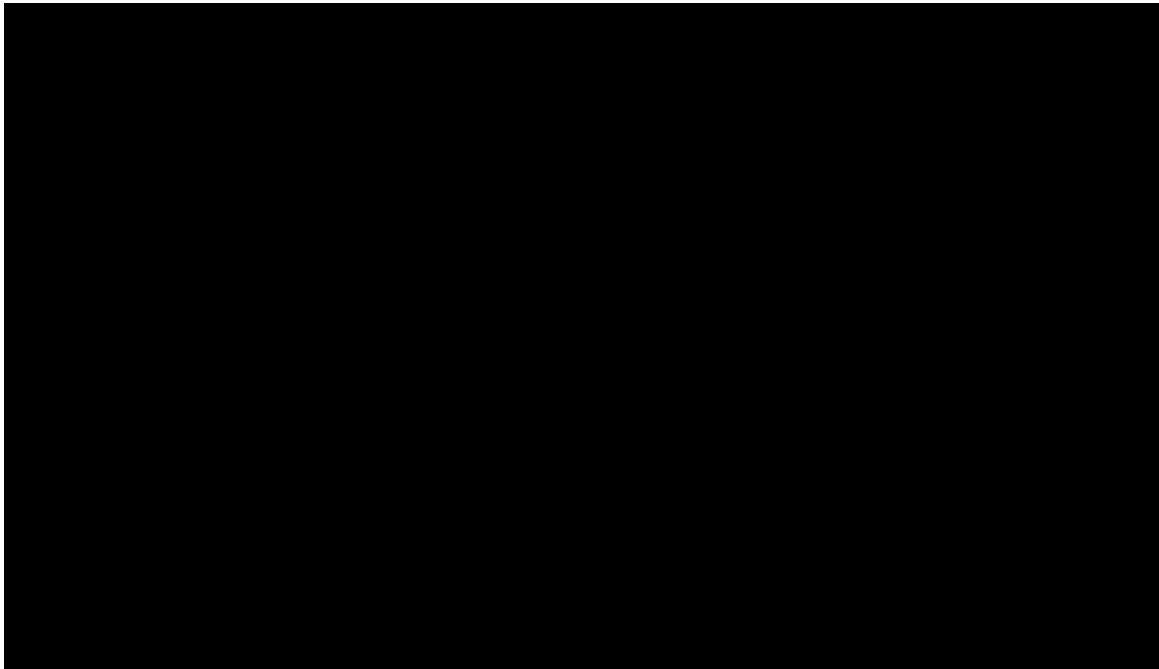
11   Q.   All right. And for the record, can you

12   explain what an MNRP eligible claim is?

13   A.   That's a United term. That's Maximum

14   Non-Network Reimbursement Program. So you would have

15   to ask them, that program.

16   Q.   Do you know if that's a referenced-based

17   pricing program?

18   MR. KING: Note my objection.

19   You can answer.

20   THE WITNESS: I believe it is.

21   BY MR. LAVIN:

22   Q.   Okay. Internal to United?

23   A.   Yes.

24   Q.   Okay. For nonemergent care, if you know?

25   A.   Yes.

Page 282

1   Q.   All right.   Let's go back to the previous

2   exhibit, Exhibit 48.   This was attached to that.

3   A.   Okay.

4   Q.   All right.   Can you explain to me what this

5   document is?
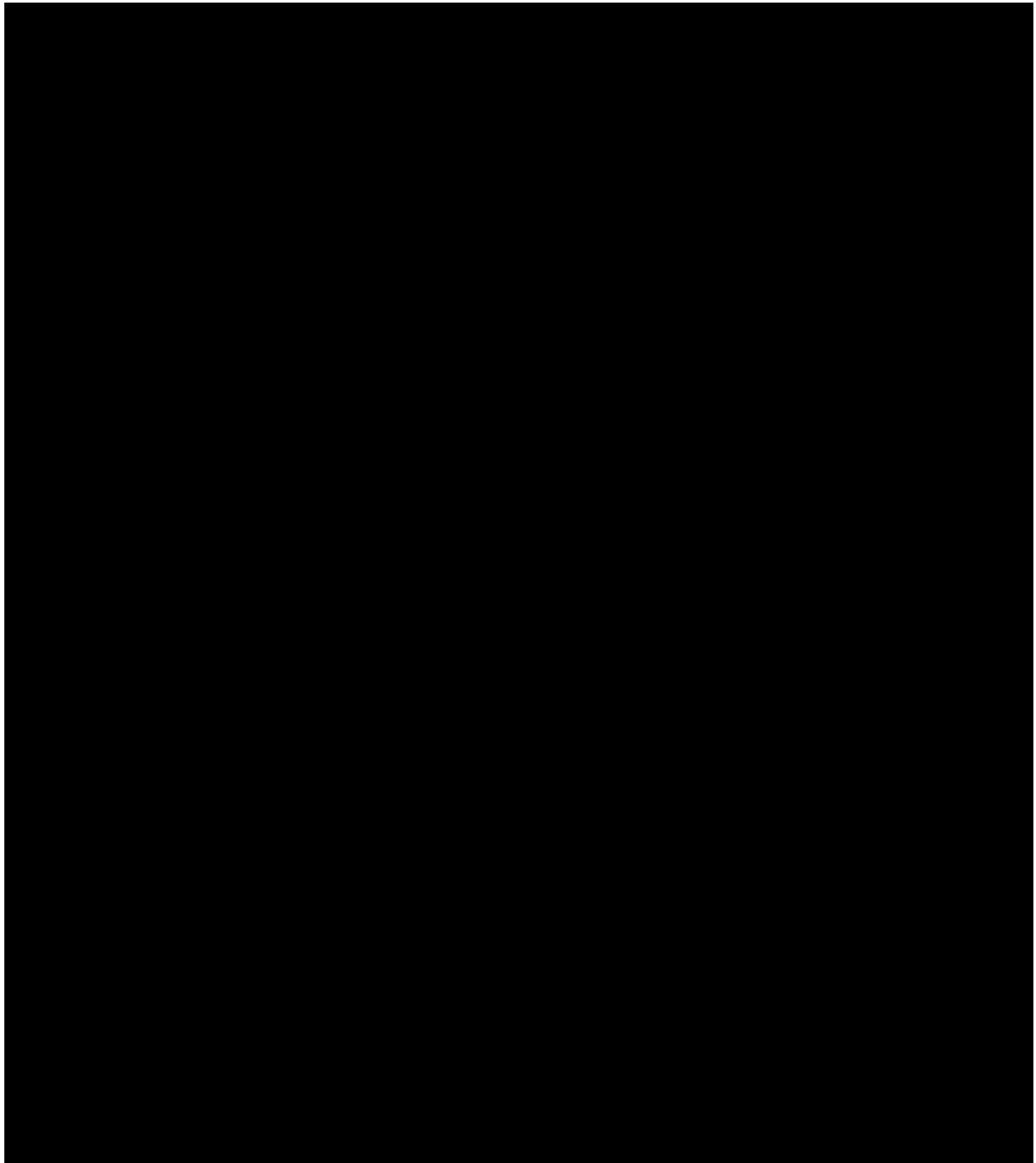
Page 283

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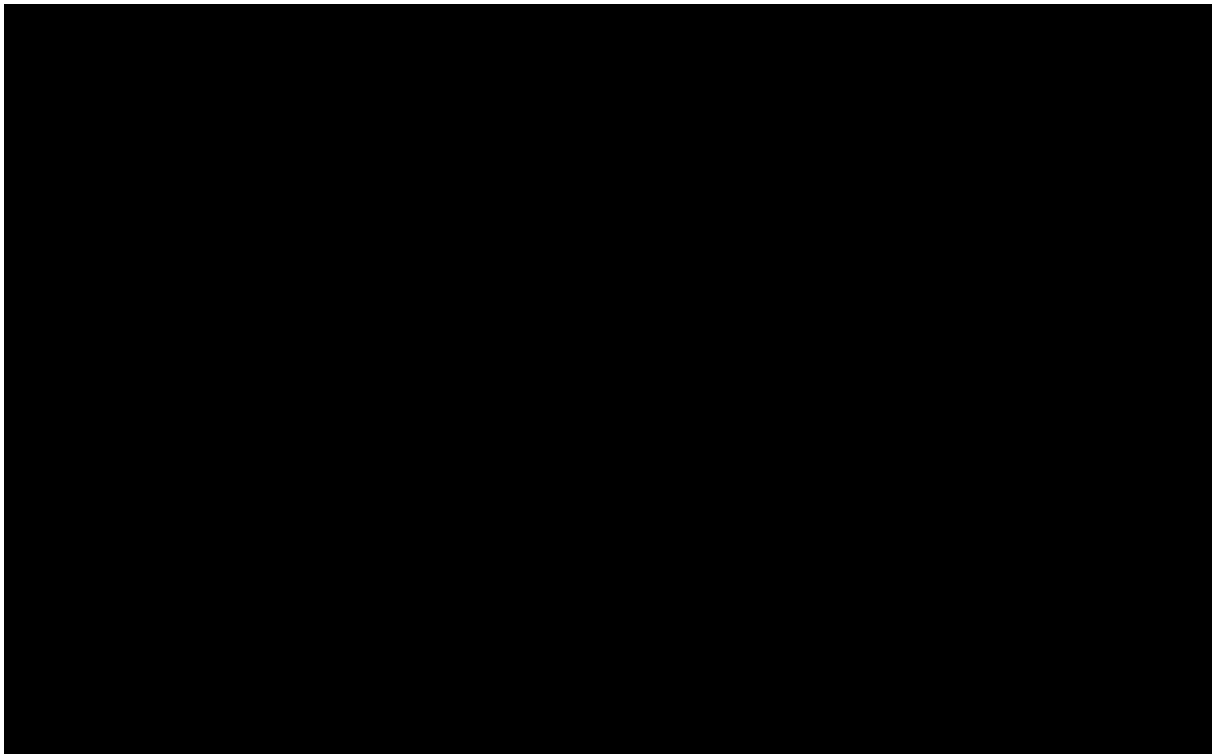
12   Q.   Do you know who --

13   MR. KING: Let --

14   THE WITNESS: Sorry.

15   MR. KING: Let -- let her -- I don't think

16   she was finished with her answer.

17   BY MR. LAVIN:

18   Q.   Okay.

19   A.   No, I have not seen this report.

20   Q.   All right.   Let's go on.   The next

21   exhibit -- just looking at this report, do you have

22   any idea who would be responsible for preparing a

23   report like this?   I know you don't recognize it.

24   A.   I mean, I can't guess; right?   I won't

25   guess.

Page 284

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 1        Q.  Healthcare Economics?

 2             MR. KING:  Objection.  She says she doesn't

 3    know.  She would have to guess.

 4             THE WITNESS:  Yep.

 5    BY MR. LAVIN:

 6        Q.  All right.  Next -- we only have a couple

 7    more documents.

 8             Let's go to -- Nicole, it's Tab 6.

 9             (Exhibit 51 was identified.)

10             MR. KING:  You are still on Exhibit 50, or

11    is this a new one?

12             MR. LAVIN:  Oh, we have a new exhibit coming

13    up.

14             MR. KING:  Sorry.

15             MR. LAVIN:  We're moving ahead.

16             MR. KING:  Moving ahead.

17             MR. LAVIN:  There is a light at the end of

18    the tunnel.

19             MR. KING:  I think I've seen that movie.

20    BY MR. LAVIN:

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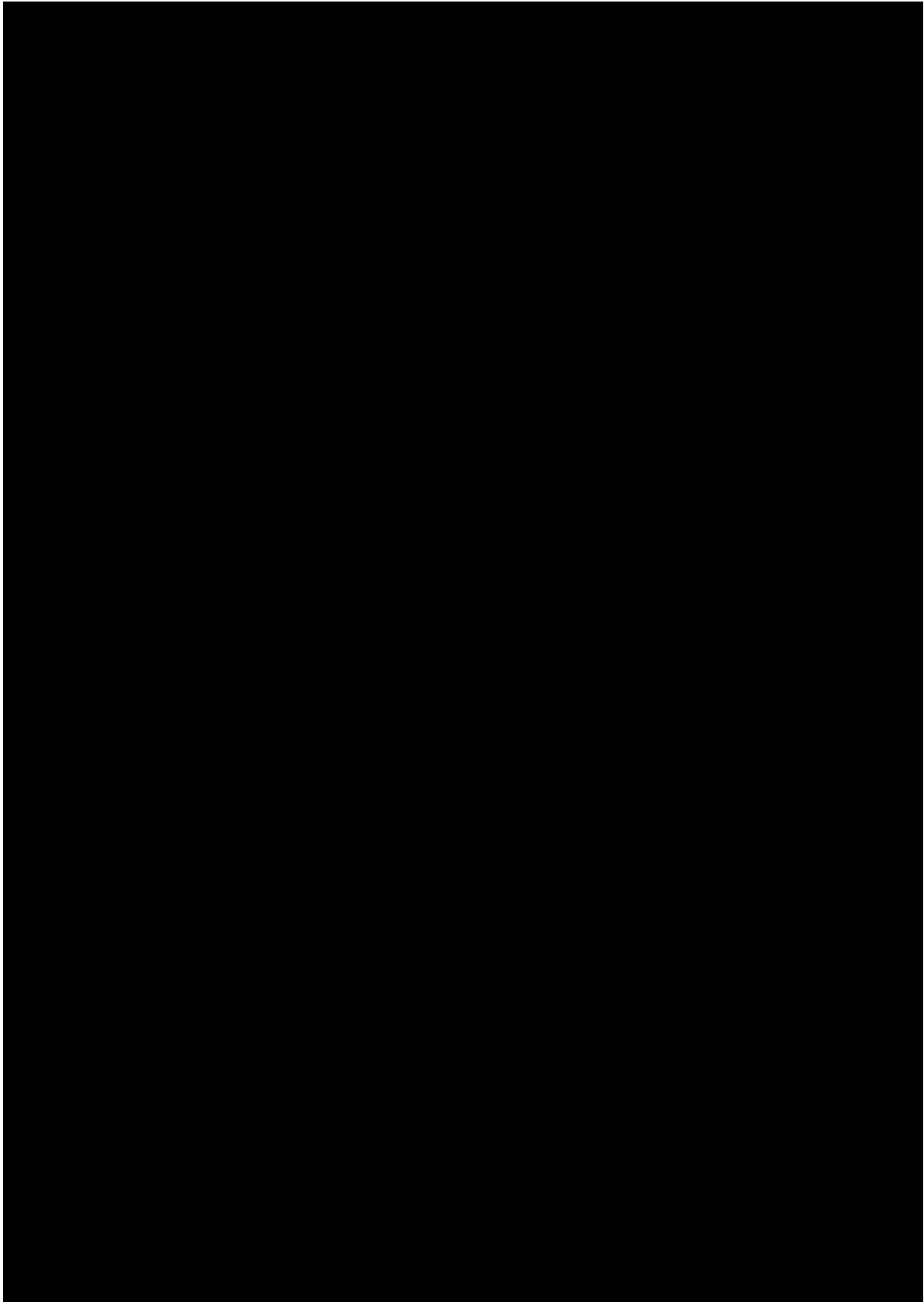
Page 285

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 286

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 287

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 288

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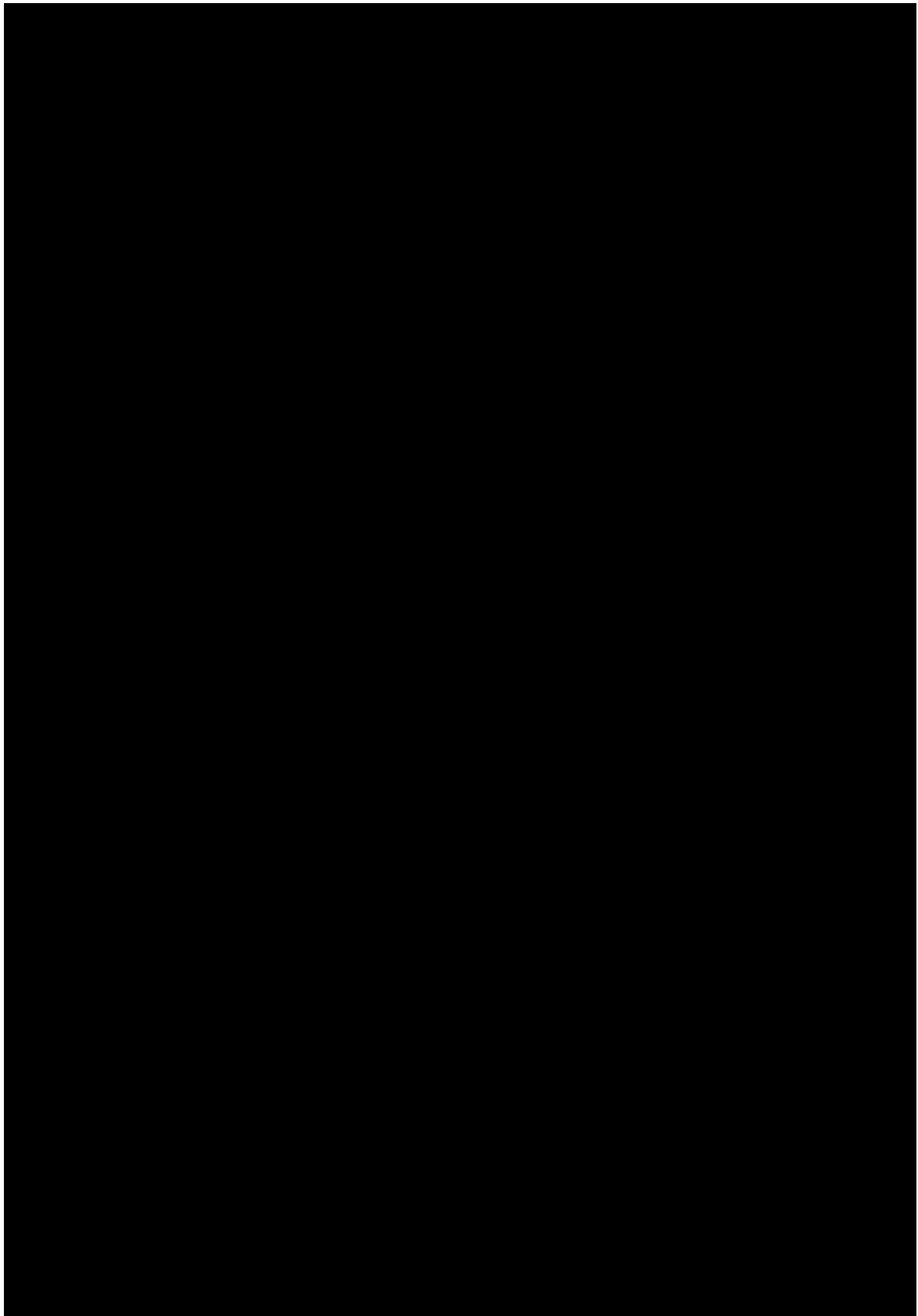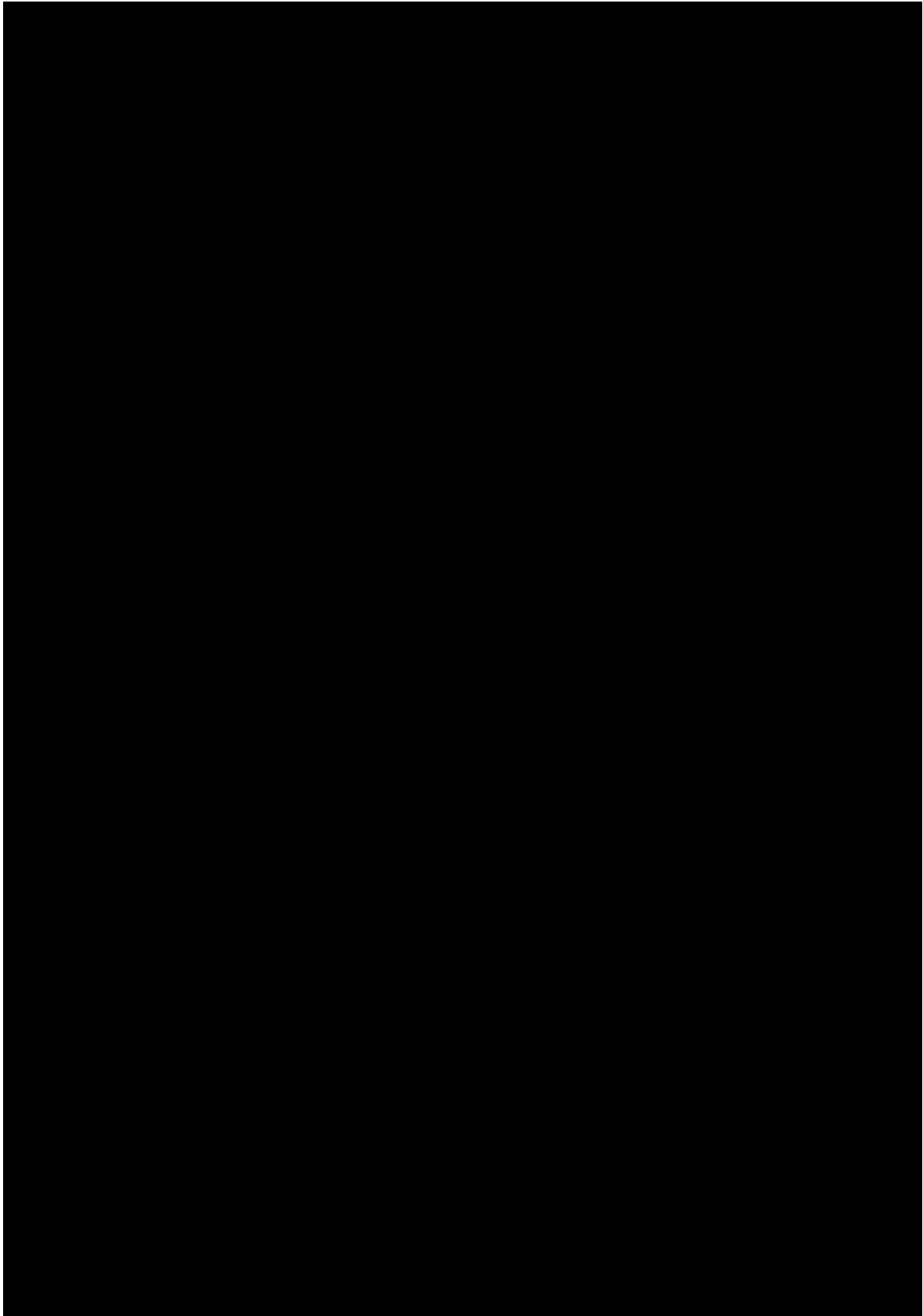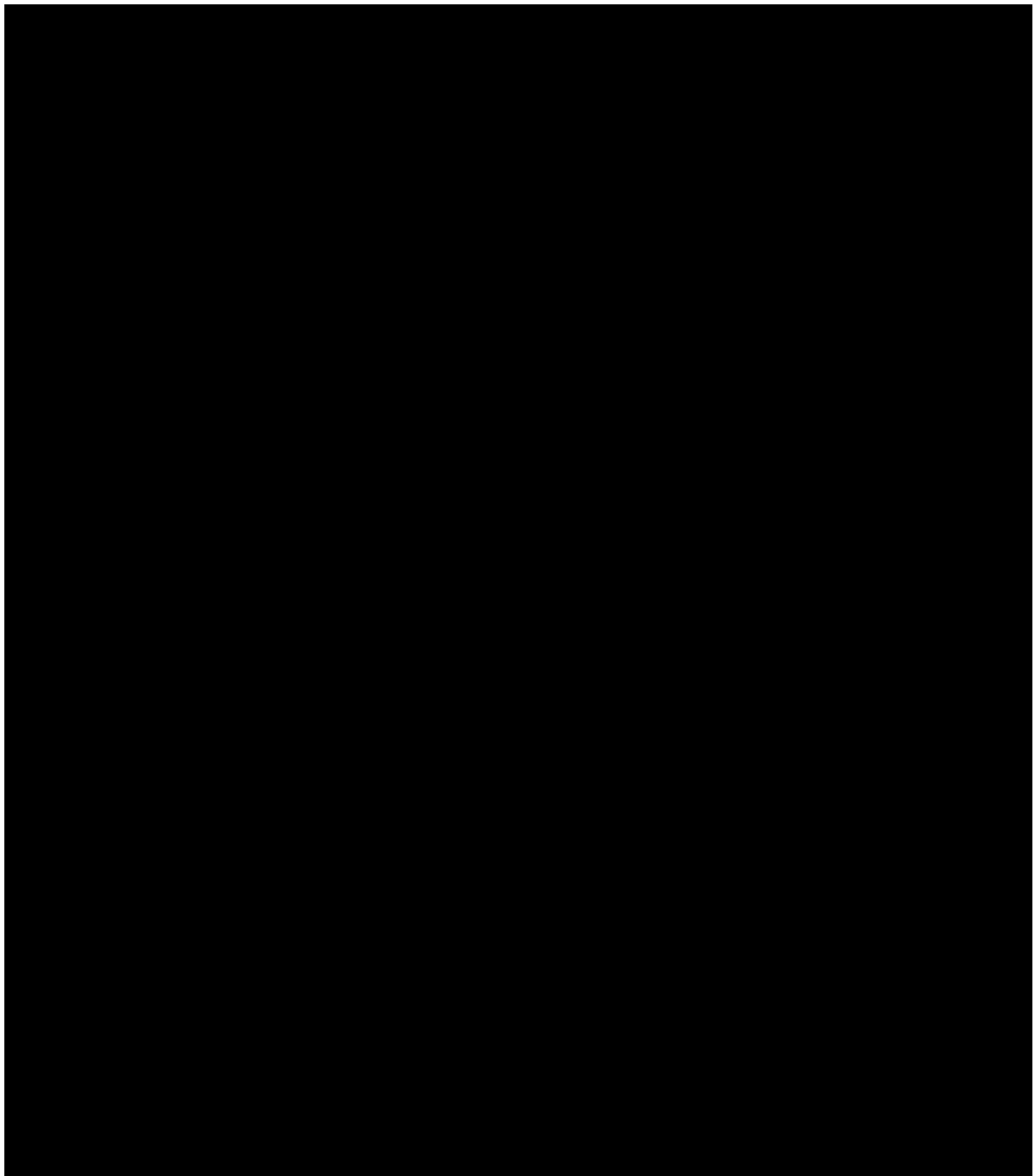
21   Q.   Got it.   All right.

22   All right.   Let's go to the next document,

23   which is under Tab 9, Nicole.

24   (Exhibit 53 was identified.)

25   ///

Page 289

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 1    BY MR. LAVIN:

 2        Q.  So if you can take a minute to look through

 3    Exhibit 53.  We're not going to go over the whole

 4    thing, but if you could just kind of scroll through

 5    it, familiarize yourself with it, that would be

 6    great.

 7        A.  Uh-huh.  Okay.

 8        Q.  And Exhibit 53 bears Bates Numbers MPI-11081

 9    through MPI-0011163.

10            And do you recognize this document?

11        A.  I do.

12        Q.  All right.  Can you explain to me what the

13    purpose of this document is?

14            MR. KING:  Note my objection.

15            You can go ahead and answer.

16            THE WITNESS:  This is an agenda that we put

17    together for one of our meetings with

18    UnitedHealthcare.

19    BY MR. LAVIN:

20        Q.  One of the quarterly meetings?

21        A.  Yes.

22        Q.  So this is from 2016.  Do you -- is this

23    similar to the process that you currently utilized to

24    prepare quarterly updates for United today?

25        A.  Yes.
```

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 290

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 1        Q.   Okay.  So you meet with your team at

 2   MultiPlan and discuss the report you're going to

 3   give; right?

 4        A.   We meet as a team to prepare the

 5   information, yes.

 6        Q.   You know, I got to -- if we go to -- we've

 7   looked at these before, but 87, Bates number ending

 8   in 87.  It's another performance snapshot.

 9             Where does the data come that populates

10   those reports?

11             Where do -- do you request that data?

12        A.   Healthcare Economics creates the report.  I

13   don't know where they pull the data from, but they

14   create the report for us.

15        Q.   Right.  At your request?

16        A.   They -- these are quarterly reports.  So

17   they're created automatically.

18        Q.   And the only -- let me just check something.

19             If you go to ending in 62.  So it's

20   MPI-11162.

21             MR. KING:  That's at the end; right?

22             MR. LAVIN:  It is at the end, yep.  It says,

23   "UnitedHealthcare Initiatives Opportunities."

24             THE WITNESS:  Okay.

25             ///
```

Page 291

 1   BY MR. LAVIN:

 2   Q.   Okay. Is this -- looking at this document,

 3   is this a format that was created just for this

 4   meeting, or is this something that's a -- we looked

 5   at some other spreadsheets, some Mark Edwards

 6   spreadsheets that he keeps in the usual course of

 7   business and updates.

 8   Is this similar to that or different?

 9   A.   This -- I would say this would be similar to

10   that, but this is what we were using back in 2015,

11   2016.

12   Q.   And would this have been kept on a Share

13   drive or on your local?

14   A.   It --

15   MR. KING: If she knows.

16   THE WITNESS: If I know. I don't know if it

17   was on the Share drive, or it could have been on a

18   local. It could have been on -- you know, Emma is

19   involved. It could have been on Emma's Shared drive

20   or local.

21   BY MR. LAVIN:

22   ██

23   ██

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25   ██

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 292
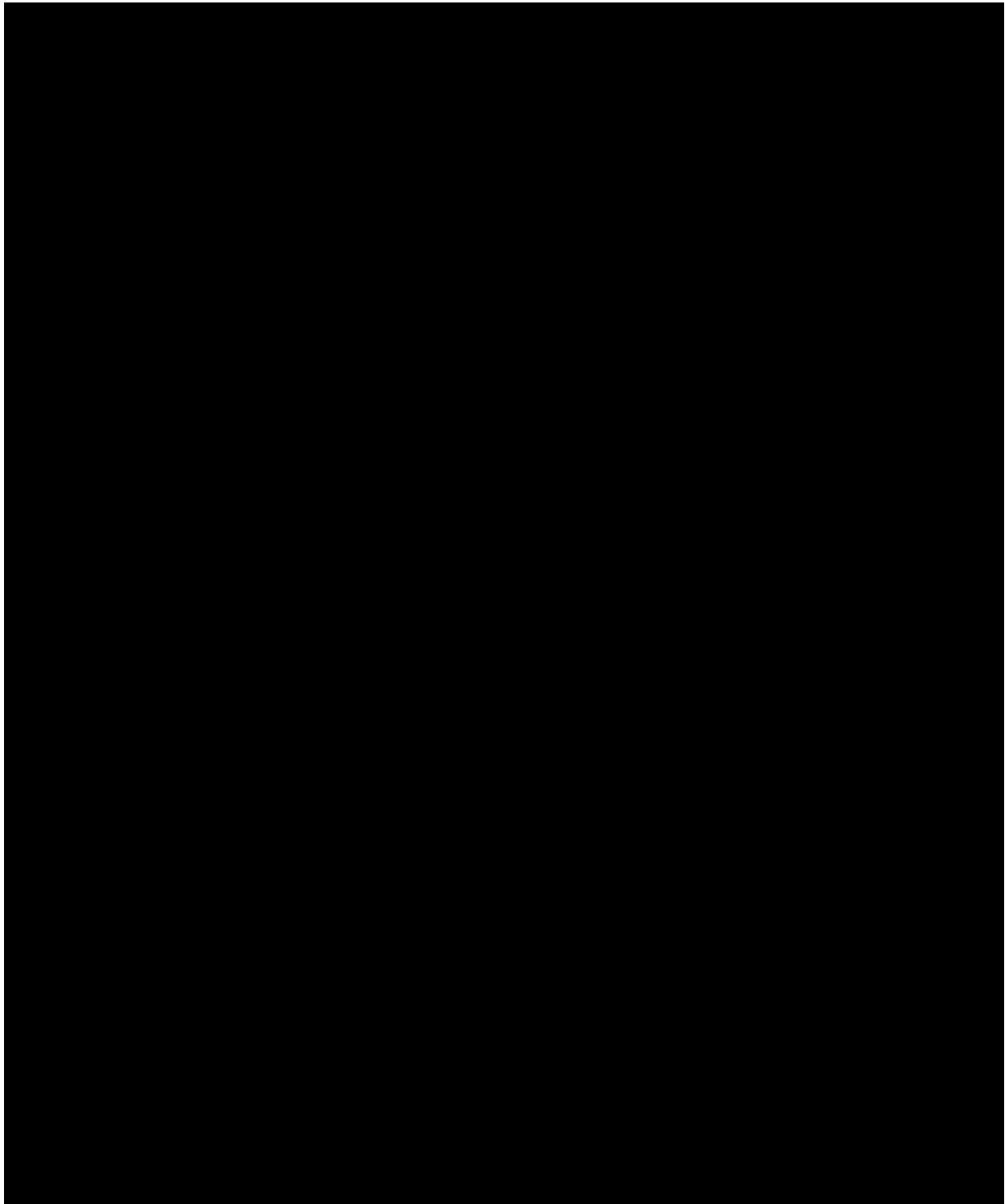
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23          All right.  Can we take a break real quick?
24    Let me coordinate with Nicole.  Okay?  Go off the
25    record for a second.
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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 293

1   THE VIDEOGRAPHER: Going off the record.

2   The time is 4:10.

3   (Recess taken.)

4   THE VIDEOGRAPHER: We're back on the record.

5   The time is 4:13.

6   MR. LAVIN: Let's take a look at Exhibit 55.

7   (Exhibit 55 was identified.)

8   BY MR. LAVIN:

9   Q. Exhibit 55 bears Bates Numbers 18021 through

10   18023.

11   A. Okay.

12   Q. All right. Do you recognize this email?

13   A. I mean, I'm reading it, but I -- you know,

14   it's been a long time.

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Case 4:20-cv-02254-YGR   Document 323-10   Filed 07/16/23   Page 295 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 294

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Page 295

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 3   Q.   Okay.   Do you -- do you remember the last

 4 time you received notice from United about a lawsuit

 5 involving the Facility R&C program?

 6   MR. KING: Note my objection.

 7   She's testified that she doesn't recall

 8 receiving a notice. Your question has to do with do

 9 you recall the last time you received one.

10 BY MR. LAVIN:

11   Q.   You're saying that you don't recall ever

12 receiving a notice of a lawsuit against United?

13   A.   Ever receiving? I just don't recall

14 receiving notice.

15   Q.   That's what I'm asking. Is it ever, or you

16 can't remember specific instances?

17   A.   I can't remember specific instances.

18   Q.   Okay. Can you remember approximately how

19 many times you've received notices?

20   A.   I can't guess that.

21   Q.   Is it more than 50?

22   MR. KING: Same objection.

23   I'd ask the witness not to guess.

24   THE WITNESS: No.

25   ///

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 296

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 1    BY MR. LAVIN:

 2          Q.   Not more than 50?

 3          A.   No.

 4          Q.   Okay.  More than 25?

 5               MR. KING:  Same objection to all these

 6    questions.  It's calling for speculation.

 7               THE WITNESS:  Yes.  I don't, but, no.

 8    BY MR. LAVIN:

 9          Q.   Do you have an understanding of how many

10    lawsuits are currently pending against United for

11    using the Facility R&C program?

12          A.   No, I don't.

13          Q.   Do you ever discuss lawsuits regarding the

14    Facility R&C program with Rebecca Paradise?

15          A.   No, I do not.

16          Q.   Have you ever discussed any lawsuit

17    regarding Facility R&C with Rebecca Paradise?

18          A.   Not that I can recall.

19          Q.   And when we began this deposition, you said

20    you were deposed in the fall in a case regarding

21    Facility R&C reimbursement; is that correct?

22          A.   That's correct.

23          Q.   Is United also a defendant in that lawsuit?

24          A.   Yes.

25          Q.   Have you ever discussed that case with
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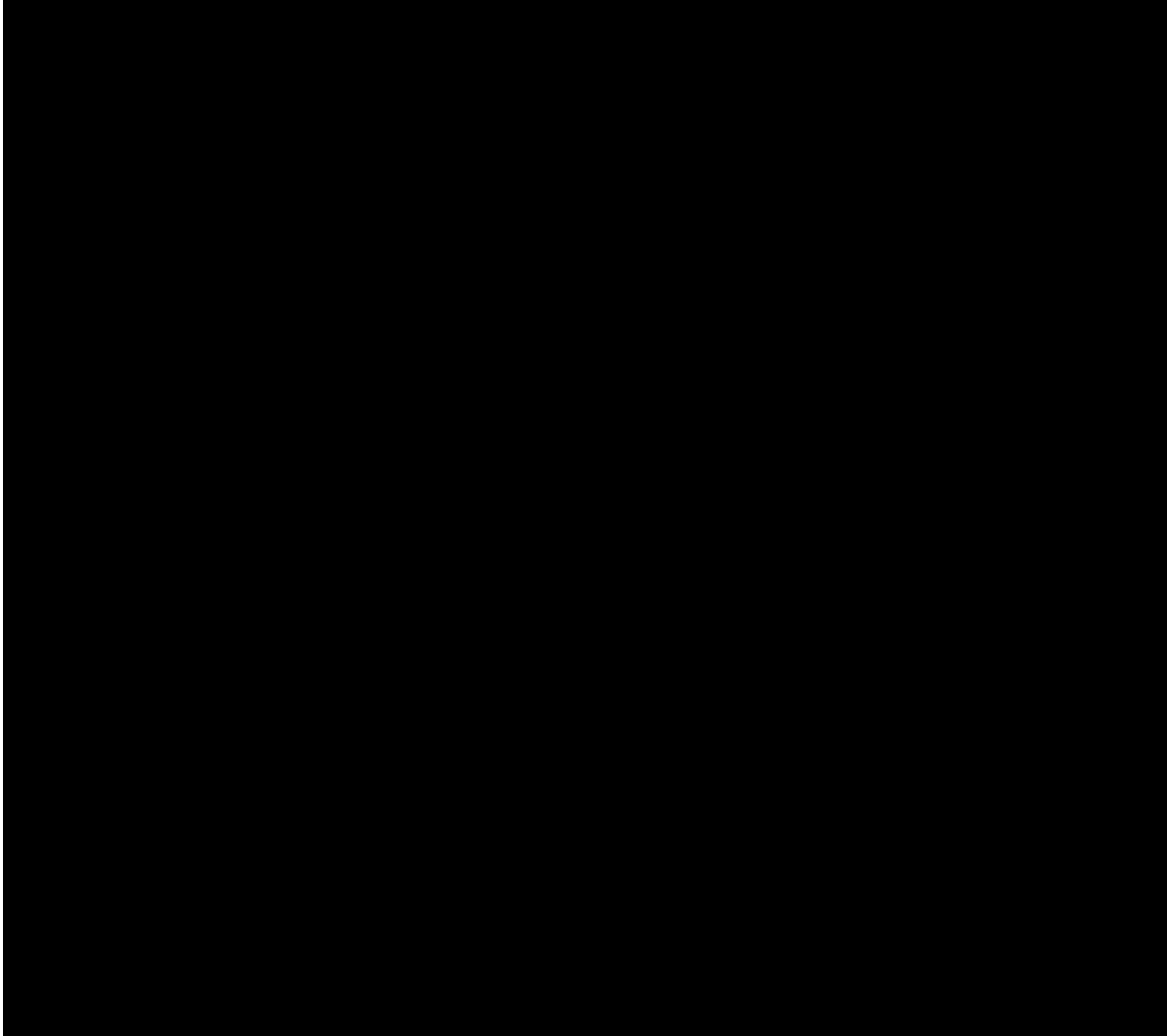
Page 297

1   Rebecca Paradise?

2   A.   No.

3   Q.   Do you remember the last time you

4   provided -- well, strike that.

21   Q.   You can't recall any specific instance of

22   that ever happening?

23   A.   I have not been involved with anything; so I

24   don't know.

25   MR. KING: She means that she doesn't work

Page 298

1   in networks.

2   THE WITNESS: Uh-huh.

3   MR. LAVIN: She can testify.

4   BY MR. LAVIN:

5   Q. So this would be something that people in

6   networks do, and you would not be involved?

7   MR. KING: Note my objection to the form of

8   the question.

9   THE WITNESS: I have not been involved with

10   that; so I can't answer that question.

11   BY MR. LAVIN:

12   Q. Okay. Have you ever provided a data

13   distribution graph to any type of provider?

14   A. No, I have not.

15   Q. Okay. Have you provided a white -- a Viant

16   OPR White Paper to any type of provider?

17   MR. KING: Objection to the scope. It's way

18   outside the scope of what we're here for today.

19   THE WITNESS: No.

20   BY MR. LAVIN:

21   Q. Do you maintain a file of lawsuits forwarded

22   to you by United?

23   A. No.

24   Q. Has United ever informed you that it is

25   necessary to release the White Paper to a provider?

Page 299

1   A.   Not that I recall.

2   Q.   Now, United has the White Papers; correct?

3   MR. KING: Asked and answered.

4   You can answer again.

5   THE WITNESS: We have sent them to United,

6   yes.

7   BY MR. LAVIN:

8   Q.   Could they release the White Paper to a

9   provider?

10   MR. KING: Note my objection. Calls for

11 knowledge about what United can do or can't do, and

12 it calls for speculation.

13   You can answer.

14   THE WITNESS: Yeah, again, I -- you would

15 have to ask United if they're going to release it to

16 the provider.

17 BY MR. LAVIN:

18   Q.   Okay. All right. Let's go to Tab 18.

19   (Exhibit 56 was identified.)

20 BY MR. LAVIN:

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Page 300

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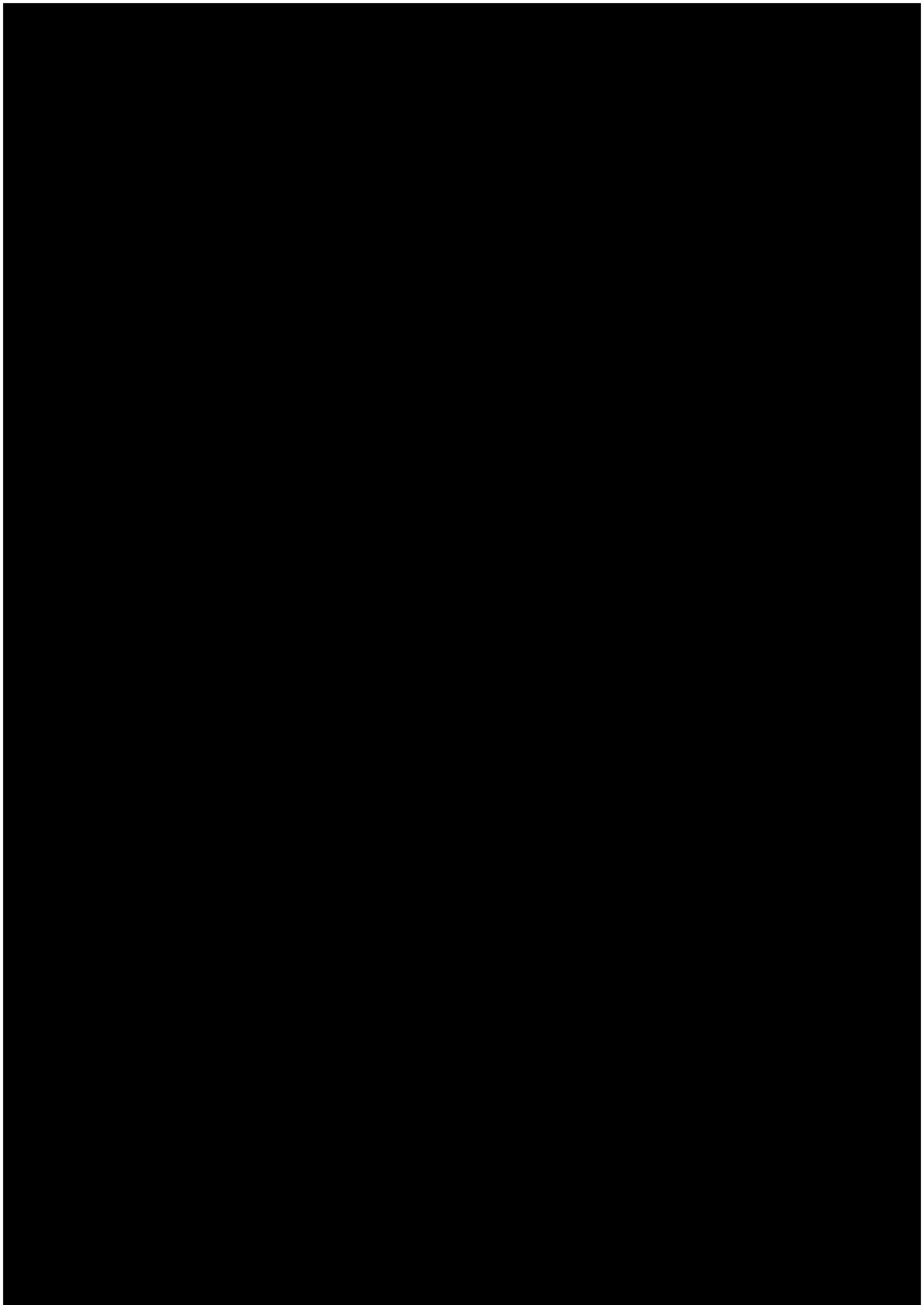
9   MR. LAVIN: And you, you know, Errol, going

10   back to your objection about sales.

11   BY MR. LAVIN:

12   Q. At MultiPlan, you know, I think you

13   mentioned that Becky Paradise is your point of

14   contact at United; correct?

15   A. Yes.

16   Q. Is there anybody else at MultiPlan who

17   speaks with Becky Paradise?

18   A. Other than myself?

19   Q. Other than yourself.

20   A. Dale may have a conversation with her. Mark

21   may have a conversation with her.

22   Q. But could somebody -- could, say, Sean

23   Crandell call Becky Paradise?

24   A. No.

25   Q. So other than Mark, yourself, and the CEO of

Page 302

1   MultiPlan, you're the only ones that contact Becky

2   Paradise.

3   What about anybody at United?

4   MR. KING: What do you mean by "anybody at

5   United"? What are you talking about?

6   BY MR. LAVIN:

7   Q. Well, could somebody in negotiations at

8   MultiPlan pick up the phone and call, say, Jolene

9   Bradley or Ray Lopez?

10   MR. KING: Objection. Calls for

11 speculation.

12   You can answer.

13   THE WITNESS: No, they probably don't even

14 know who the client contact is.

15 BY MR. LAVIN:

16   Q. So if there was an offer from a provider,

17 and it was, you know, a significant one or, for

18 whatever reason, would that be communicated by

19 yourself or Mark Edwards?

20   MR. KING: Object to the hypothetical.

21   You can answer.

22   THE WITNESS: Yes.

23 BY MR. LAVIN:

24   Q. Yeah, and I'm just trying to understand the

25 dynamic.

Page 303

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7   BY MR. LAVIN:

8   Q. All right. Let's go to Tab 22, the next

9   exhibit.

10   (Exhibit 57 was identified.)

11   THE WITNESS: Okay.

12   BY MR. LAVIN:

13   Q. Take a look at --

14   MR. KING: She's there.

15   MR. LAVIN: I'm sorry.

16   BY MR. LAVIN:

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25   Q. Okay.

Page 304

 1   MR. KING: What's the relevance of this

 2   document, Matt, since it concerns Data iSight?

 3   THE WITNESS: Oh, this is Data -- okay.

 4   Yeah.

 5   BY MR. LAVIN:

 6   Q. Well, actually, if you go down to -- it

 7   talks about Viant Facility U&C review. Trust me.

 8   I'm not anxious to talk more about Data iSight.

 9   A. I think this has -- so if you look at

10   medical reimbursement analysis --

11   Q. Uh-huh.

12   A. Data iSight and Viant Facility R&C U&C

13   review fall under medical reimbursement analysis. So

14   this is a template. So whether you're using Data

15   iSight or you're using Viant Facility U&C review.

16   Q. Okay. And Data iSight and Data iSight

17   facility, it can also be used to price facility

18   claims; is that right?

19   A. Data iSight can price facility claims, yes.

20   Q. And Data iSight can price outpatient

21   facility claims; correct?

22   A. Yes.

23   Q. All right. Let's -- so we only have

24   three -- I only have -- wait. Let's see. One, two,

25   three, four, five documents.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 305

 1   I want to go off the record for two minutes

 2   to confirm with Nicole we have the proper order to

 3   put them up. Okay?

 4   MR. KING: How many do you have? Five?

 5   MR. LAVIN: I have five documents, yeah.

 6   MR. KING: All right.

 7   THE VIDEOGRAPHER: This is the end of

 8   Media Number 6. Going off the record. The time

 9   is 5:30 [sic].

10   (Recess taken.)

11   THE VIDEOGRAPHER: We're back on the record.

12   The time is 4:33. This is the beginning of Media

13   Number 7.

14   BY MR. LAVIN:

15   Q. All right. Ms. Kienzle, can you look at the

16   next exhibit.

17   (Exhibit 58 was identified.)

18   BY MR. LAVIN:

19   Q. So Exhibit 58 bears Bates Numbers MPI-8808

20   through MPI-8813, and there is a native document

21   attached.

22   And do you recognize what this document is,

23   Ms. Kienzle?

24   A. I mean, I have to read it. It's been since

25   2018.

Page 306

1   Q.   Okay.

2   A.   Okay.

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13   Q.   Let's go to the next document.

14   (Exhibit 59 was identified.)

15   BY MR. LAVIN:

16   Q.   So Exhibit 59 bears Bates Numbers UHC37978

17   through UHC37981.

18   MR. KING: We're there.

19   MR. LAVIN: Okay.

20   BY MR. LAVIN:

21   Q.   So what I'd like to ask you about is on

22   Page 2 of this document -- let's see.

23   Well, first of all, on the front of this

24   document, it's Mark Edwards, Jolene Bradley, Ray

25   Lopez.

1   None of those people are attorneys, are

2   they?

3   A.   Not that I'm aware.

4   Q.   Okay. Do you have any idea why that would

5   be redacted?

6   MR. KING: I'm going to object. This is a

7   United document. They redacted it, not MultiPlan.

8   But why would Ms. Kienzle have a notion?

9   MR. LAVIN: Okay. I'm just -- just asking.

10   And there are redactions that we are

11   objecting to.

12   BY MR. LAVIN:

13   Q.   And then if you go down to the second page,

14   there is an email. I'd like you to take a look at --

15   read that email quickly.

16   MR. KING: The second page?

17   MR. LAVIN: Yep. Ending on 79.

18   THE WITNESS: Okay.

19   BY MR. LAVIN:

20   Q.   Okay. This is an email from Jolene Bradley

21   to Ray Lopez and Mark Edwards.

22   And do you know what the Fair Health

23   reasonable and customary is?

24   MR. KING: Note my objection. Asked and

25   answered twice already.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 308

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 309

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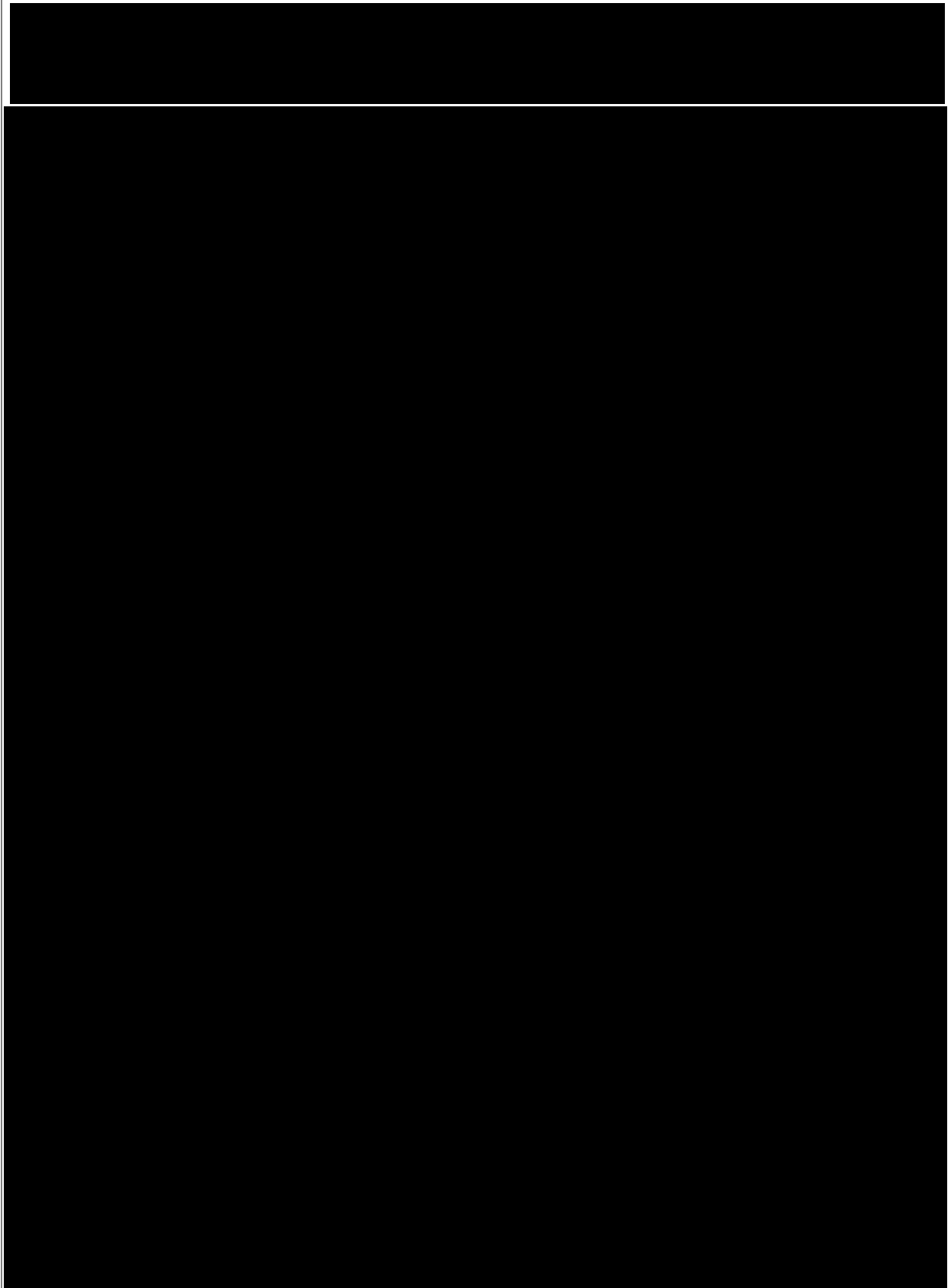
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14   MR. LAVIN: Yeah.   We haven't talked about

15   that date, actually.

16   MR. KING: Yes, we have.   But move on.

17   MR. LAVIN: Errol.

18   BY MR. LAVIN:

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Veritext Legal Solutions

Page 310

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15   BY MR. LAVIN:

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 311

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15   Q.   Okay.   Let us go to --

16   Let's go to the next document, Nicole.

17   (Exhibit 60 was identified.)

18   THE WITNESS: Okay.

19 BY MR. LAVIN:

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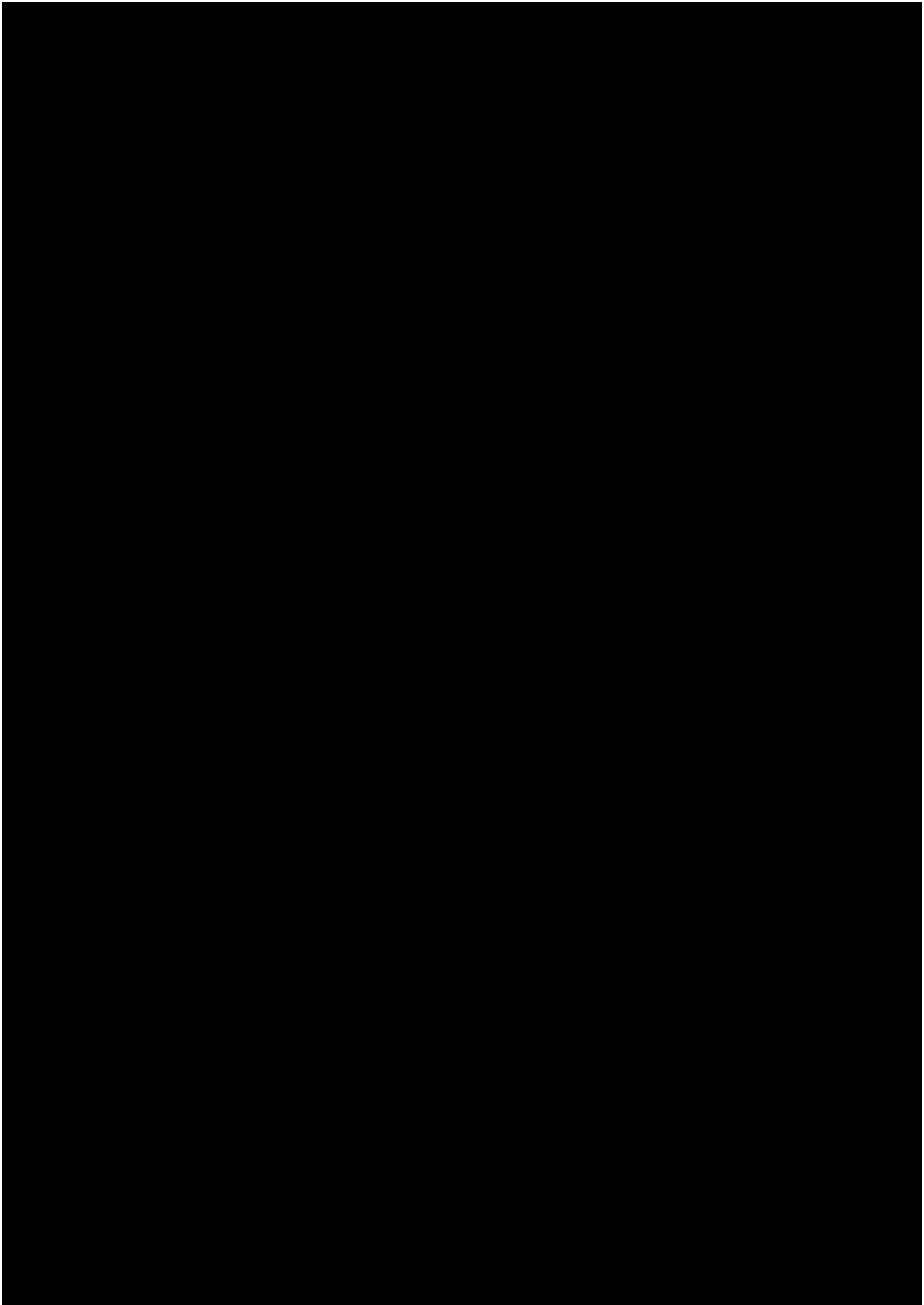
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Page 312

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Page 313

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 314

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 315

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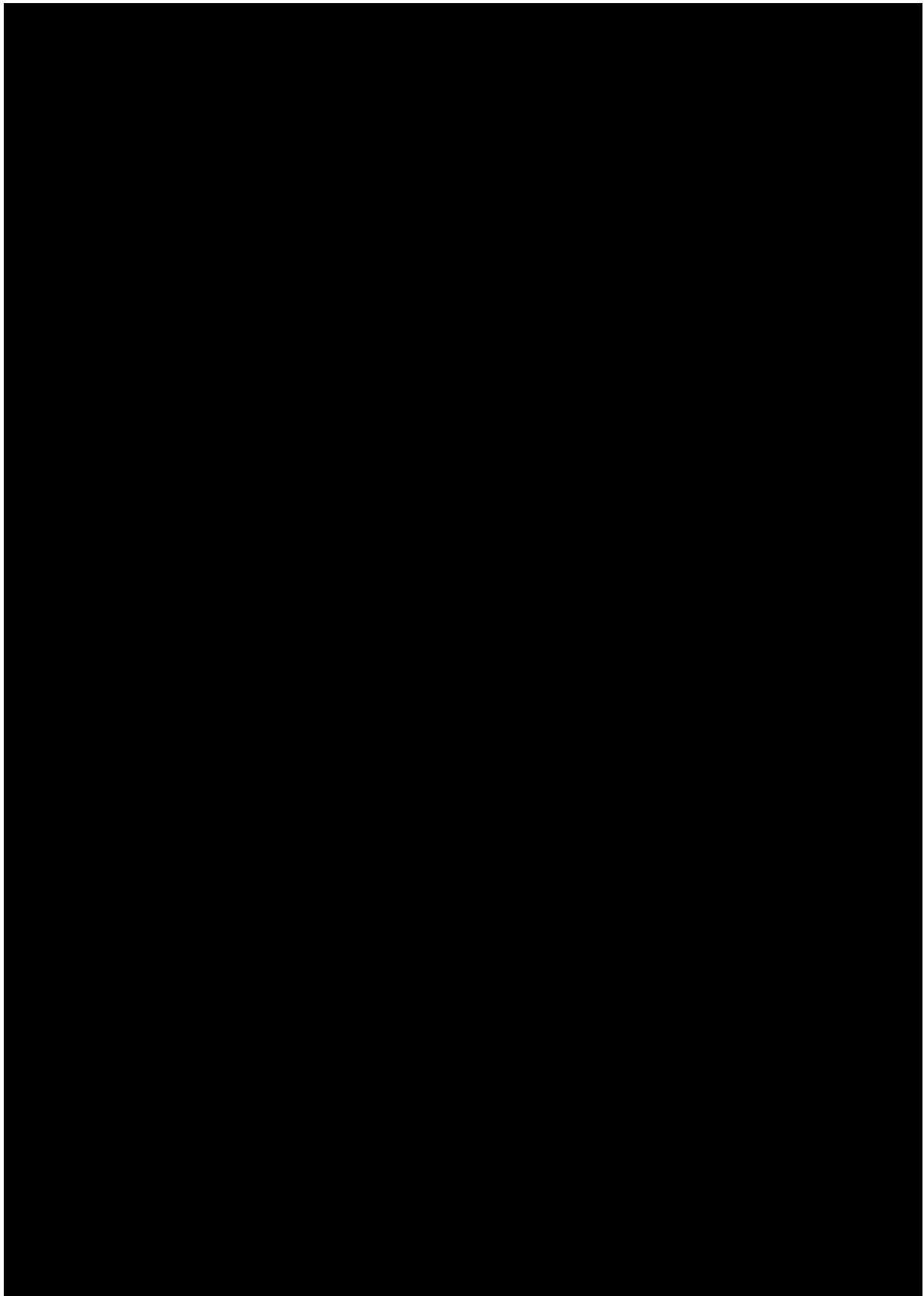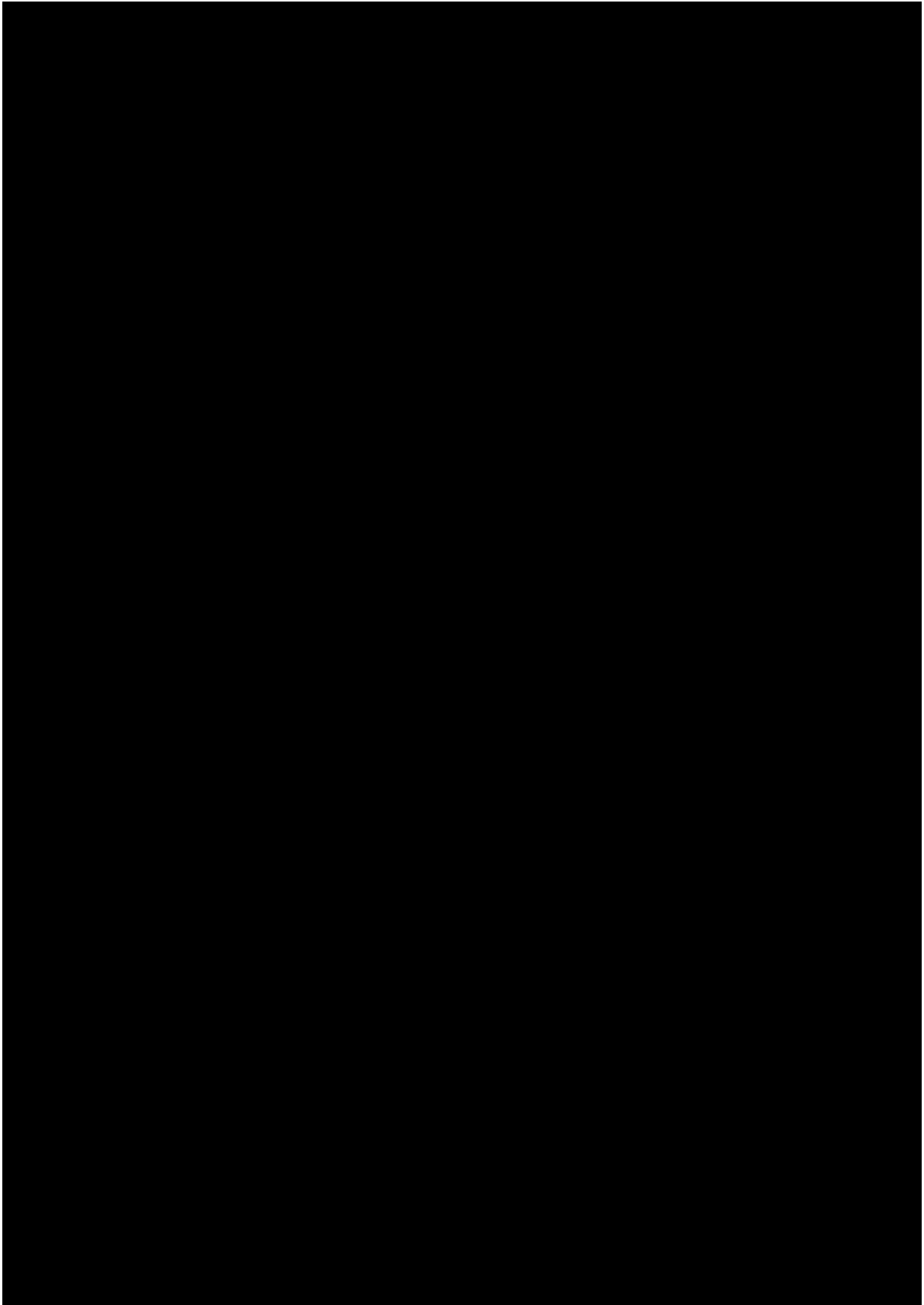
4   MR. KING: Objection. Relevancy. It has

5   nothing to do with the lawsuit.

6   MR. LAVIN: I'm trying to understand the

7   organizational structure of MultiPlan.

8   MR. KING: It's a fishing expedition

9   probably for another lawsuit that's going to be

10   filed.

11   MR. LAVIN: You know what? That's -- You

12   know what? That's rude, and it's insulting, Errol.

13   Why don't you keep your objections short and sweet?

14   We've talked about this multiple times.

15   MR. KING: Well, Matt, why don't you keep

16   your questions about the litigation at hand, and I

17   think things would --

18   MR. LAVIN: Errol, you are just being

19   argumentative for the point of being argumentative.

20   MR. KING: No, I'm not.

21   MR. LAVIN: And we're getting close to the

22   end.

23   MR. KING: You said that about --

24   MR. LAVIN: Keep your objections short and

25   sweet. This is a discovery deposition. She can

Page 316

1   answer the question.

2   THE WITNESS: So what's your question?
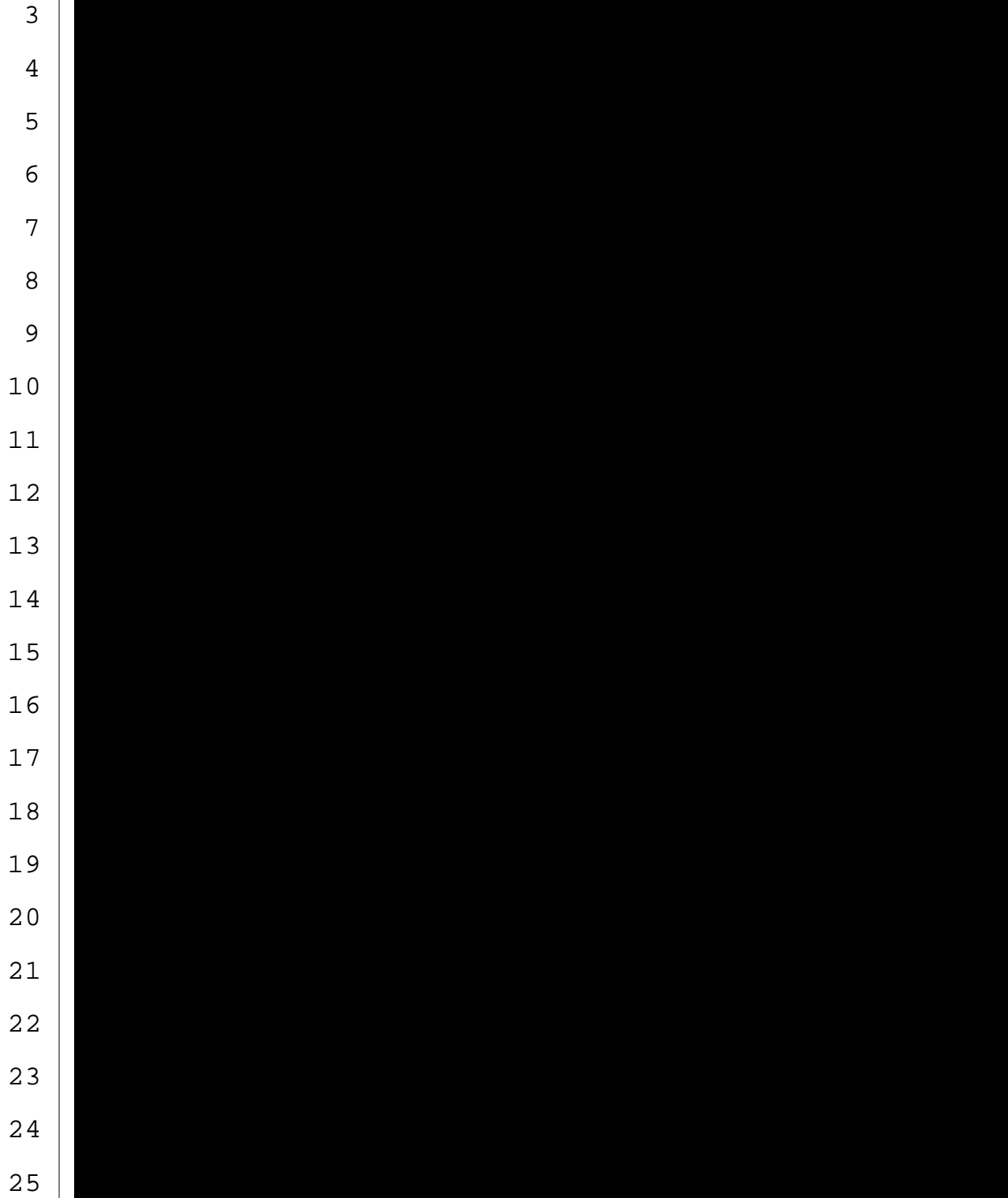
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 317

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 318

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Page 319

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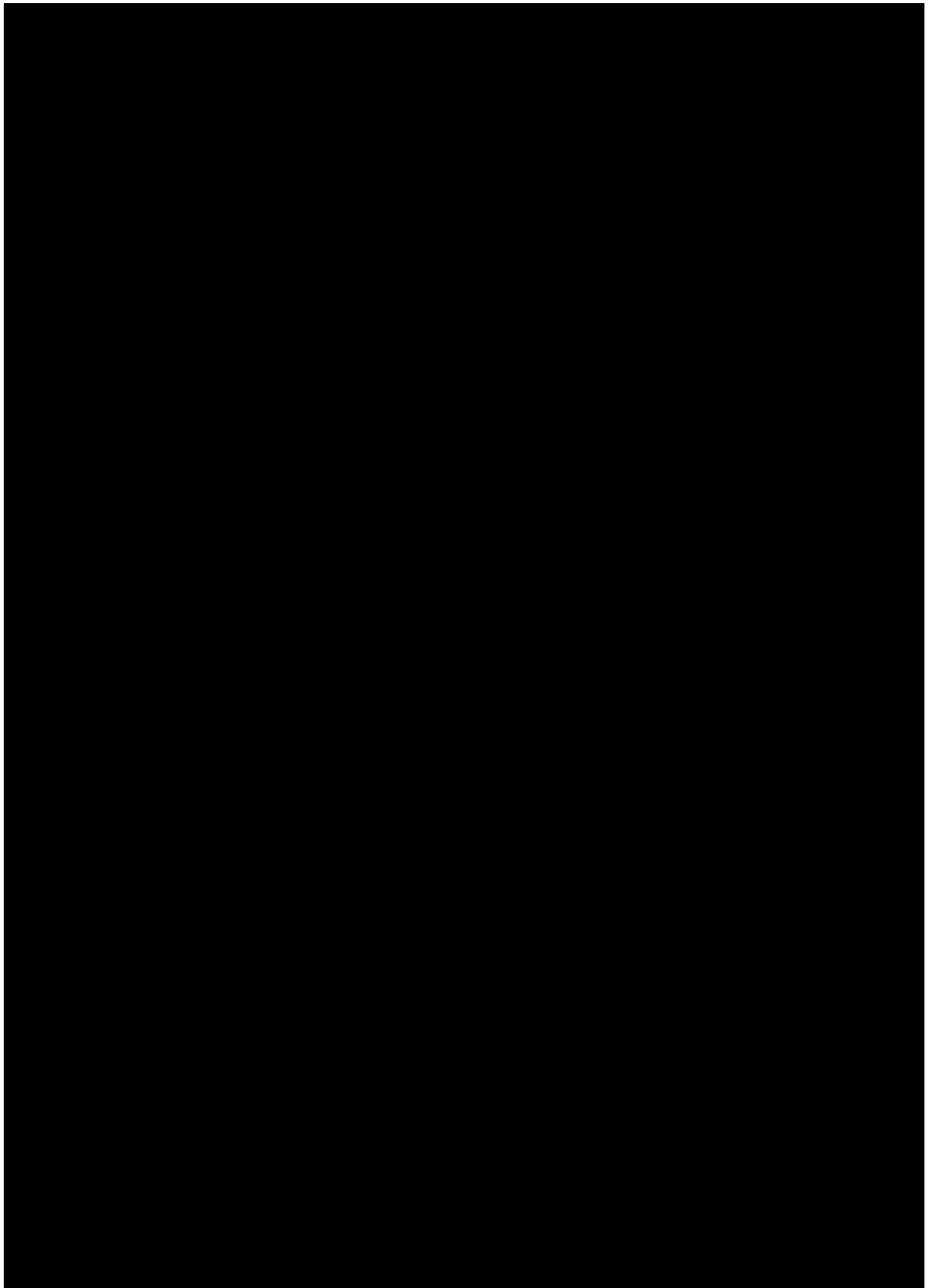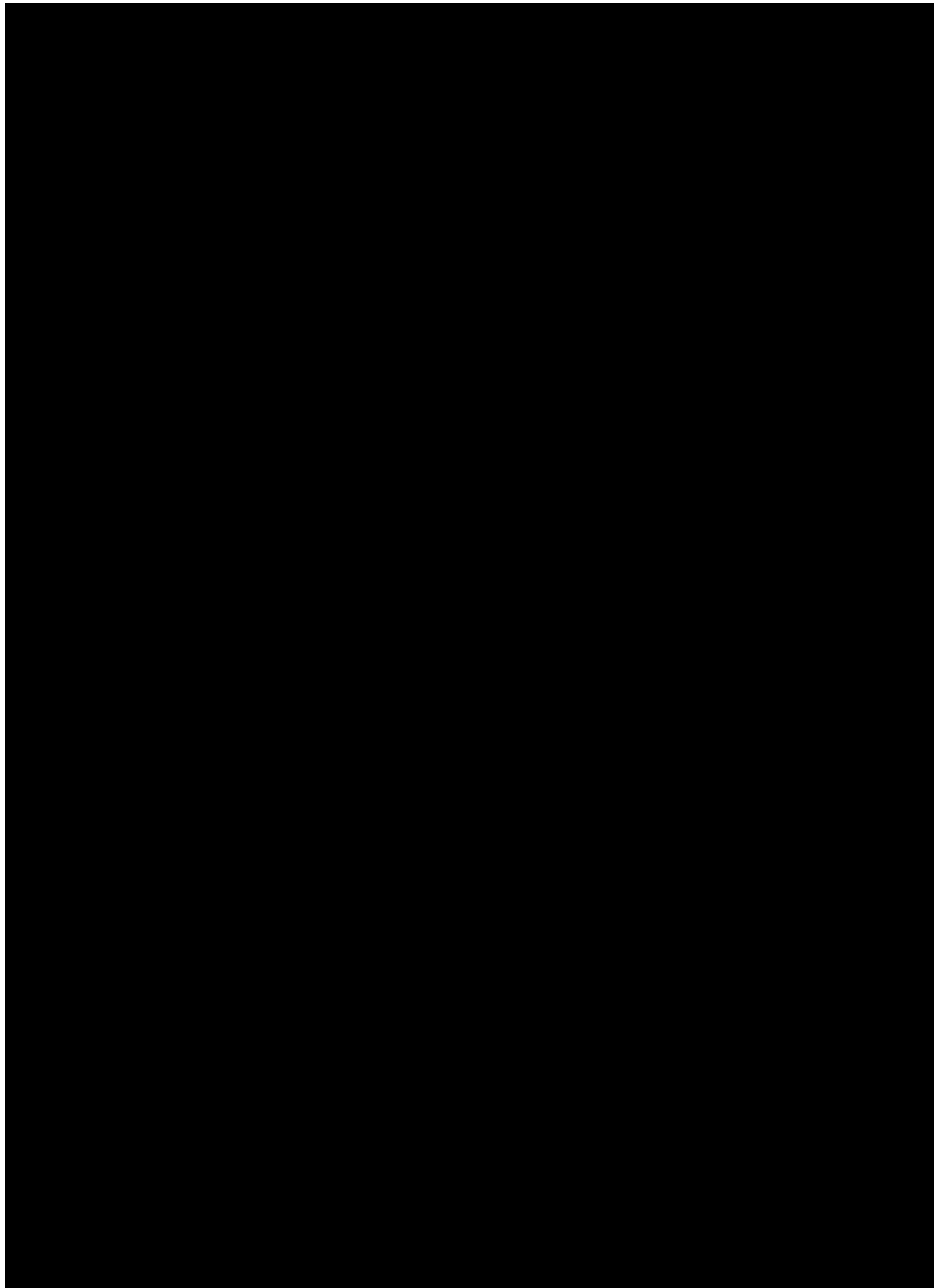
3   What does acronym "HOP" mean for you -- mean

4   to you?

5   A.   Hospital outpatient.

6   Q.   Okay. Because I've seen that acronym a

7   couple times so....

8   All right. Let's go to the next document,

9   Nicole.

10   MR. KING: Is this last one?

11   MR. LAVIN: Second to last.

12   MR. KING: Because we're way over the seven

13   hours.

14   MR. LAVIN: We're doing individual and

15   30(b)(6).

16   (Exhibit 61 was identified.)

17   BY MR. LAVIN:

18   Q.   And Exhibit 61 bears Bates Numbers MPI-9709,

19   and then there's -- through MPI-9781, and then

20   there's a native spreadsheet attached.

21   A.   At the end?

22   Q.   At the very end, yeah.

23   So, you know, there's a lot of things

24   covered in this document. I'm just going to ask

25   about a couple of them.

Page 320

1   A.   Okay.

2   Q.   First page of the document is an email from

3   Mark Edwards to you, November 2020.

4   Do you remember this particular email?

5   A.   I remember he does send me emails, yes.

6   Q.   Do you remember this particular email

7   thread?

8   A.   No, I'd have to go through and read it.

9   Q.   Discusses a number of projects.

10   If we go down to -- I want to go to

11   Bates Number 718.

12   A.   Okay.

13   Q.   Are you there?

14   A.   I'm there.

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20   Q.   Okay. Who would I talk to about that?

21   A.   You could have talked to Mark Edwards about

22   that.

23   Q.   Is there anybody else I could talk to about

24   that? Is that something Kathy Praxmarer would know?

25   A.   You could talk to Kathy Praxmarer. You
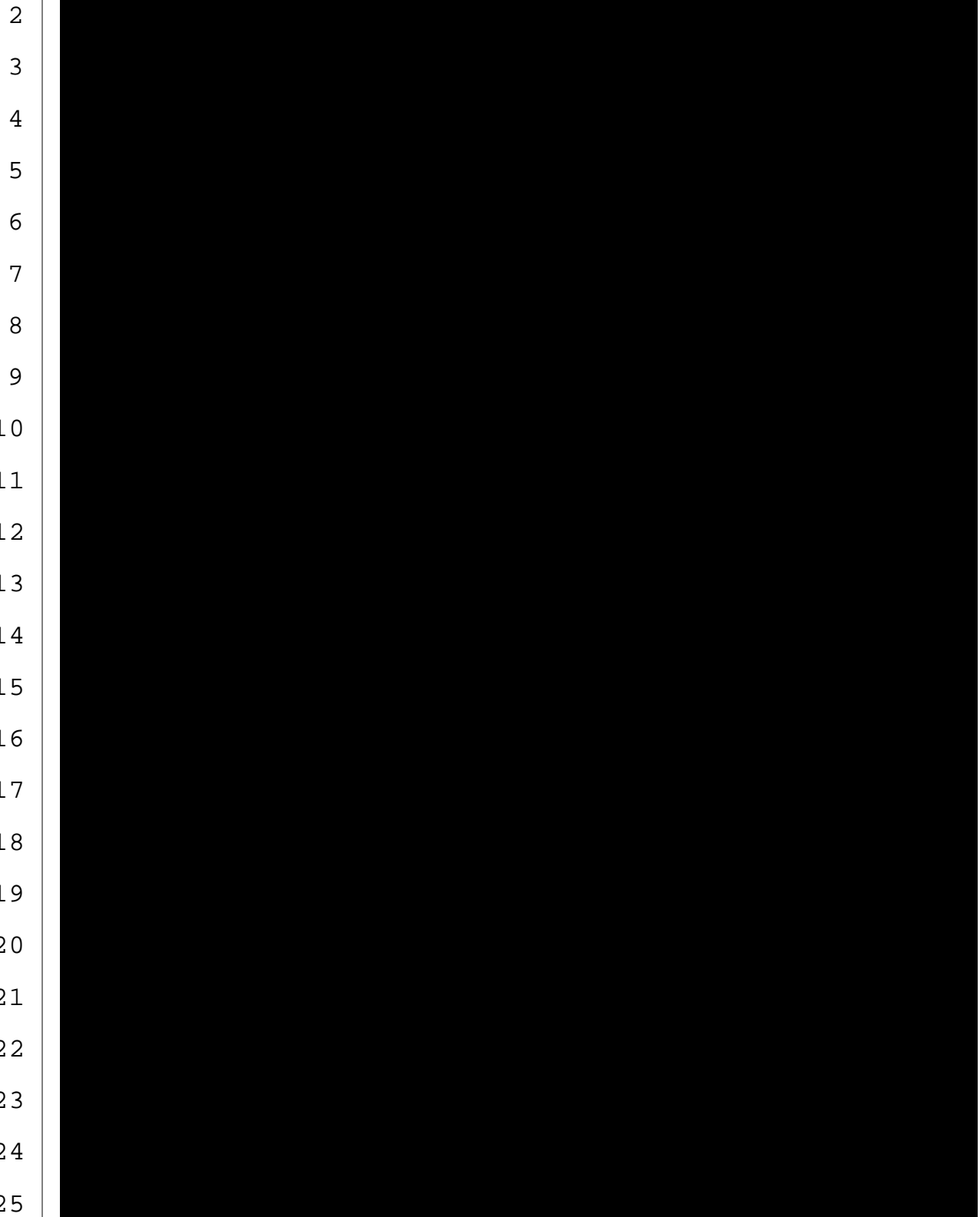
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 321

1   could talk to United.

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 322

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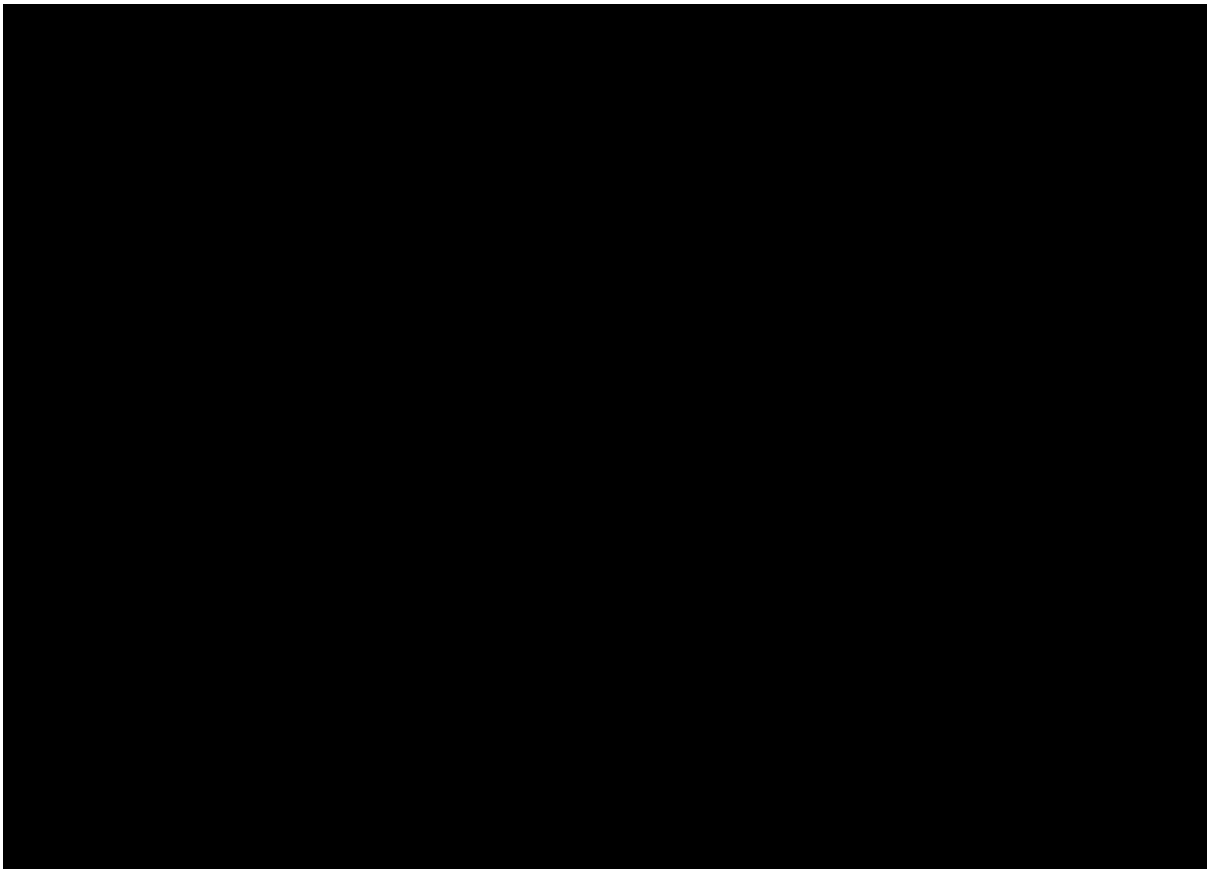
14   MR. LAVIN: The last document -- Nicole, can

15   you put that up.

16   (Exhibit 62 was identified.)

17   MS. WEMHOFF: It's installing.

18   THE WITNESS: Huh-oh. My computer is going

19   to crash because I have an update I've been pushing

20   off, and now it's going to update in four minutes.

21   MR. LAVIN: Can you cancel the update?

22   THE WITNESS: I can't cancel it.

23   MR. LAVIN: Can you use Errol's computer?

24   THE WITNESS: I can use Errol's computer.

25   MR. KING: She can use mine.

Page 323

1   THE VIDEOGRAPHER: Counsel, would you like

2   to go off the record so we can get that switched?

3   MR. LAVIN: Sure.

4   THE VIDEOGRAPHER: Going off --

5   MR. KING: We don't need to go off the

6   record.

7   MR. LAVIN: Well, she's being recorded. So

8   that's the issue. Let's go off the record for a

9   second.

10   THE VIDEOGRAPHER: Going off the record.

11   The time is 5:01.

12   (Recess taken.)

13   THE VIDEOGRAPHER: We are back on the

14   record. The time is 5:12.

15   BY MR. LAVIN:

16   Q. All right. Ms. Kienzle, there's one last

17   exhibit.

18   MR. KING: Are you there?

19   THE WITNESS: I'm there. I'm pulling it up.

20   BY MR. LAVIN:

21   Q. Okay. Exhibit 62 bears Bates Numbers MPI --

22   just one page there. It's actually a big document.

23   It's got a -- you know what that has? It has a

24   PowerPoint attached to it.

25   Can you upload the PowerPoint, Nicole, as a

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 324

1   separate exhibit?

2   THE WITNESS: It's going to crash again. My

3   computer is going to crash.

4   MR. KING: Why?

5   THE WITNESS: I have no idea.

6   MR. KING: Yeah, can we wrap this up? She's

7   getting a message it's going to crash again.

8   MR. LAVIN: No, I've got some final

9   questions. They're quick but....

10   MR. KING: Do you know when it's going to

11   crash right now?

12   THE WITNESS: It says four minutes. I

13   already did the update. I don't know why it's doing

14   the update again.

15   EXHIBIT CONCIERGE: If you would like to

16   email the document Brian, I would be happy to put it

17   up.

18   MR. LAVIN: It's not the document. It's her

19   computer --

20   MR. KING: It's getting ready to crash

21   again, and mine is -- and they're kicking us out of

22   this conference room in about 15 minutes.

23   MR. LAVIN: We can be done in 15 minutes.

24   THE WITNESS: You know what? Maybe it's

25   installing. Maybe it won't crash. So let's move

Case 4:20-cv-02254-YGR Document 323-10 Filed 07/16/23 Page 326 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 325

1   forward.

2   MR. LAVIN: All right. Let's go.

3   All right. Nicole, can you add the

4   PowerPoint?

5   MR. KING: You're saying Exhibit 62

6   attached -- had a PowerPoint attached to it?

7   MR. LAVIN: Yes, it does.

8   Do you have it, Nicole?

9   MS. WEMHOFF: I do not.

10   MR. LAVIN: It's with MPI-8725. It's the

11 2021 client advisory board meeting presentation.

12 It's MPI-8726 is the Bates number on it.

13   MS. WEMHOFF: Matt, can you do a sidebar?

14 I --

15   MR. LAVIN: All right.

16 BY MR. LAVIN:

17   Q. Ms. Kienzle, do you remember the 2021 client

18 advisory board meeting at Laguna Beach?

19   A. I remember being at that meeting, yes.

20   Q. Do you remember what -- if there was any new

21 services that were the focus of that meeting?

22   A. You know what? I'd have to look at the

23 agenda.

24   Q. Okay. Well, we can wait for Nicole and see

25 if she can bring that up.

Page 326

```
 1        A.   Okay.

 2        Q.   Ms. Kienzle, is it MultiPlan's position that

 3   they make their Viant UB Facility pricing methodology

 4   transparent to UnitedHealthcare?

 5             MR. KING:   Objection to the question.  Form.

 6             You can answer.

 7             THE WITNESS:  Yes.

 8   BY MR. LAVIN:

 9        Q.   Is there any question from UnitedHealthcare

10   about Viant UB pricing methodology that MultiPlan

11   would not answer if asked?

12             MR. KING:   Objection.  Calls for

13   speculation.  Hypothetical.

14             THE WITNESS:  Yeah, not that I'm aware of.

15   BY MR. LAVIN:

16        Q.   None that you're aware of?

17        A.   Correct.

18        Q.   Okay.  Has United ever expressed to

19   MultiPlan a concern about the data underlying the

20   UB Facility R&C claims pricing?

21        A.   No.

22   ██████████████████████████████████████████████████████

23   ██████████████████████████████████████████████████████

24   ██████████████████████████████████████████████████████

25   ██████████████████████████████████████████████████████
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Page 327

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Page 328

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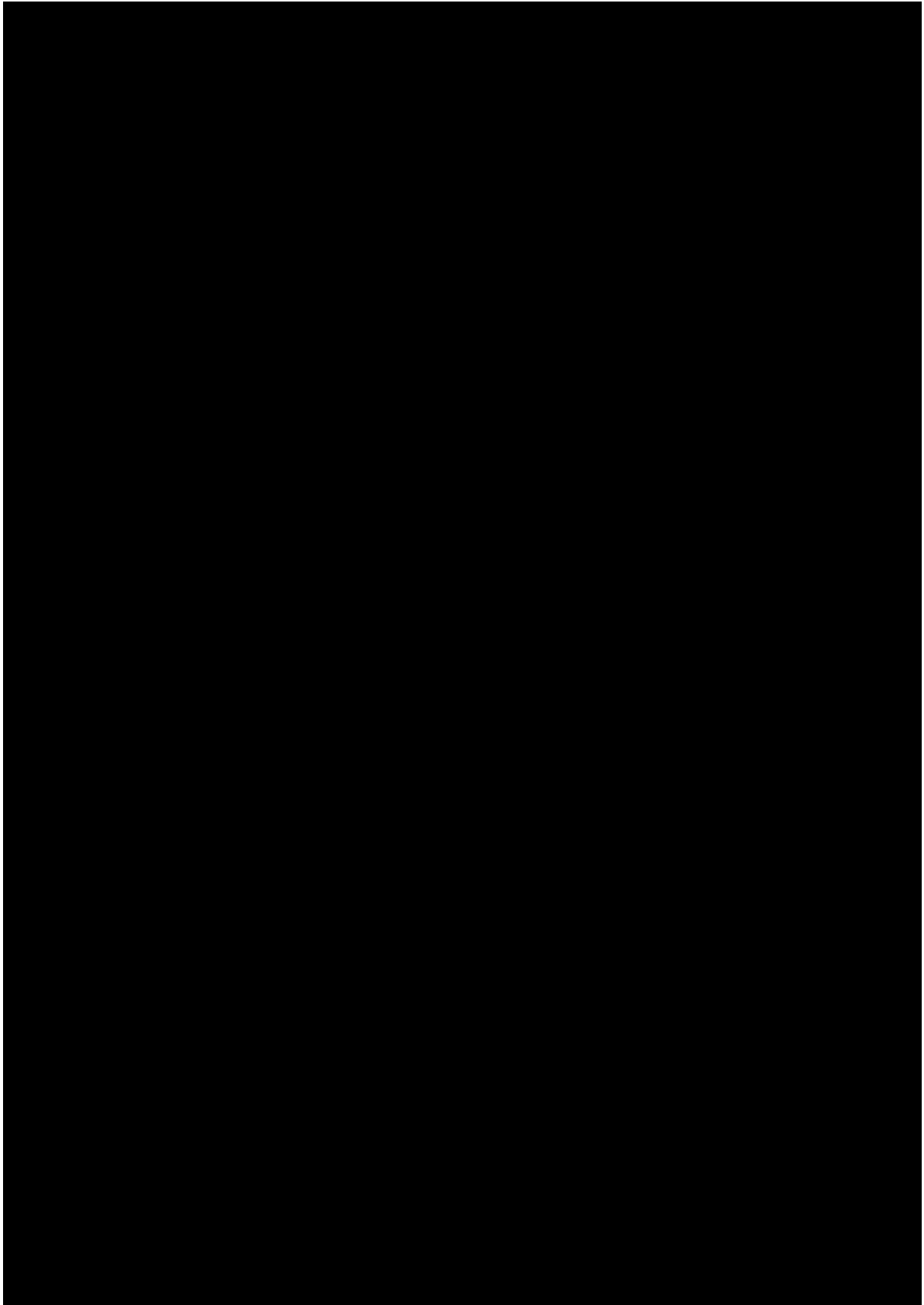
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22   Q.   Okay.

23   Any luck with that document, Nicole?

24   MS. WEMHOFF: Momentarily.

25   ///

Page 329

1   BY MR. LAVIN:

Page 330
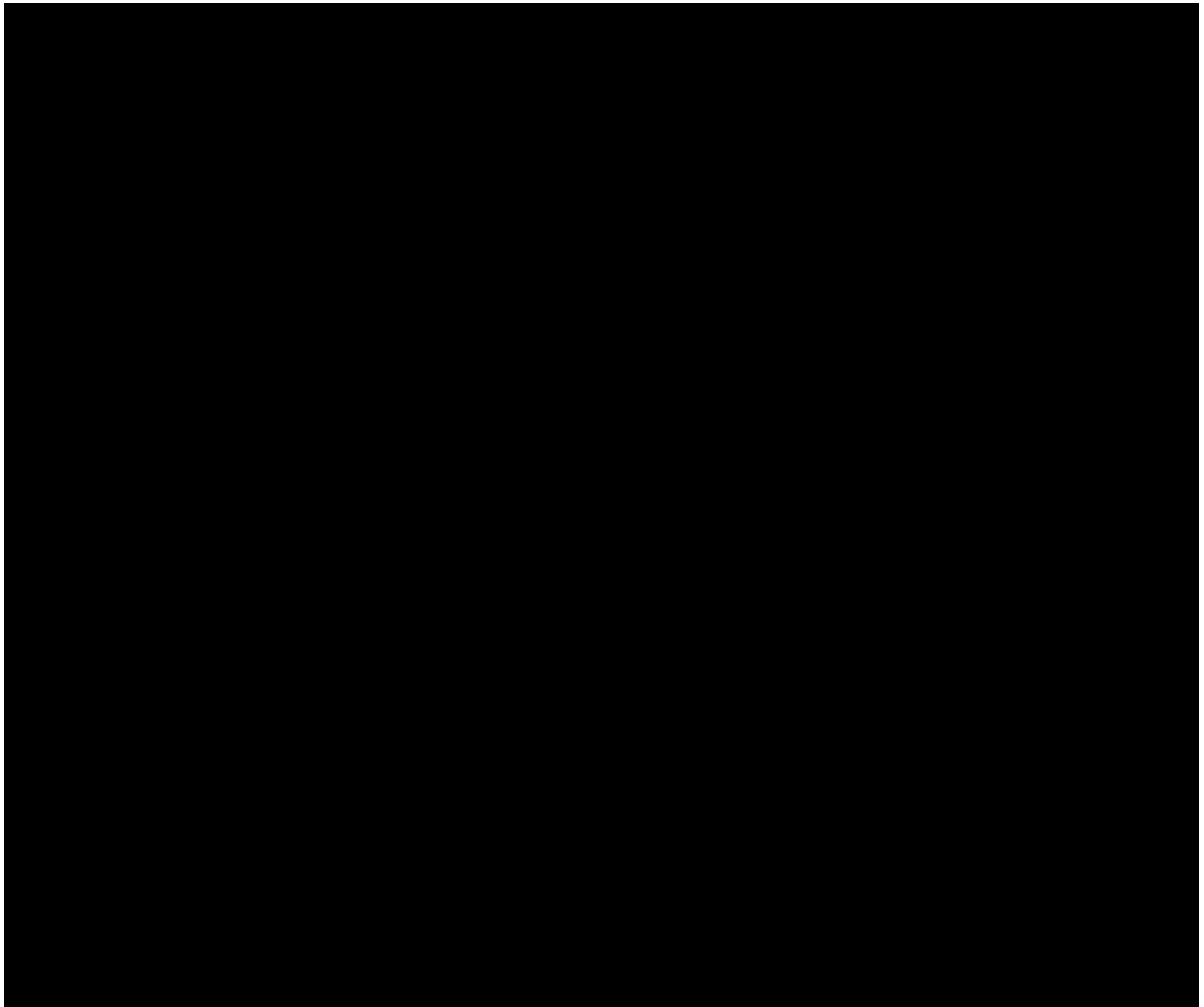
16   MR. LAVIN: All right. I have no further

17   questions.

18   MR. KING: Heather, do you have any

19   questions?

20   MS. RICHARDSON: Nothing from me.

21   MR. KING: I have two things to cover, Matt

22   and Heather.

23   First off, MultiPlan Bates Number 5896, that

24   document I want to call it back so I can redact it.

25   If you all -- if you could confirm that you'll

Page 331

1   provide it to me and not keep any copies, I'd

2   appreciate that.

3   And I want to mark -- hold on. They're

4   trying to break in our room.

5   I want to mark this entire deposition as

6   Confidential, Attorney Eyes Only as we did with Susan

7   Mohler's deposition, and I will review the transcript

8   and redact as is appropriate.

9   MR. LAVIN: Yeah, no objection.

10   And plaintiffs renew their request for the

11   monthly revenue reports and for the savings reports

12   that were referenced in the deposition.

13   MR. KING: Can you -- can you put that in

14   a -- I think you put an email to -- sent an email to

15   Craig after the Mark Edwards deposition about

16   documents you feel need to be produced. Can you do

17   the same thing here, then, Matt?

18   MR. LAVIN: I will. I will.

19   And thank you, Ms. Kienzle, for your time

20   today. I know it was a long one. We covered a lot.

21   THE VIDEOGRAPHER: This concludes today's

22   testimony given by Jacqueline Kienzle. The total

23   number of media units used was seven and will be

24   retained by Veritext Legal Solutions.

25   Going off the record. The time is 5:23.

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 332

1   (Whereupon, the proceedings concluded at

2   5:23 PST.   Total time on the record was

3   7 hours.)

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CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

Page 333

1   I, JACQUELINE KIENZLE, the deponent in the

2   above deposition, do hereby acknowledge that I have

3   read the foregoing transcript of my testimony, and

4   state under oath that it, together with any attached

5   Amendment to Deposition pages, constitutes my sworn

6   testimony.

7

8   _____ I have made changes to my deposition

9   _____ I have NOT made any changes to my deposition

10

11

                     _____

12   JACQUELINE KIENZLE

13

14

              Subscribed and sworn to before me this____

15

      day of _____, 20_____.

16

17

18   My Commission expires: _____

19

20   _____

                                Notary Public

21

22   _____

                                Address

23

24

25

Page 334
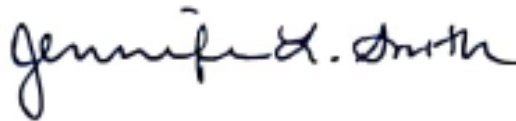
1   REPORTER'S CERTIFICATE

2

3   I, JENNIFER L. SMITH, California CSR No.

4   10358, Washington CCR NO. 3101, RMR, CRR, CRC, and

5   Notary Public within and for the State of Colorado,

6   commissioned to administer oaths, do hereby certify

7   that previous to the commencement of the examination,

8   the witness was duly sworn by me to testify the truth

9   in relation to matters in controversy between the

10   said parties; that the said deposition was taken in

11   stenotype by me at the time and place aforesaid and

12   was thereafter reduced to typewritten form by me; and

13   that the foregoing is a true and correct transcript

14   of my stenotype notes thereof.

15   That I am not an attorney nor counsel nor in

16   any way connected with any attorney or counsel for

17   any of the parties to said action nor otherwise

18   interested in the outcome of this action.

19   My commission expires: February 7, 2026

20   *Jennifer L. Smith*

21   _____

22   JENNIFER L. SMITH

                 CA CSR NO. 10358

23   WA CCR NO. 3101

                 RMR, CRR, CRC,

24   and Notary Public

25

[& - 2016]   Page 1

&			2
& 10:8,10,11	**10681** 130:3	280:13 292:3	**2** 3:12 18:22,23
0	**10682** 130:4	**161** 7:24	25:2,5 26:8 79:3
0.7 244:8,16,22	**11** 3:5 4:4 43:22	**163663** 212:24	155:16 192:10
0011163 289:9	98:11,23,24 99:2	**163690** 212:25	202:5 300:1
02254 1:7 9:19	104:6 242:16	**166** 4:23	306:22 327:2
03 176:21	**1100** 2:6,14	**17** 4:15 18:1,4,7	**2,000** 254:4,9,10
07 245:11	**11081** 289:8	127:11,12,14	254:11,15,22,24
1	**11162** 290:20	**171** 5:1	255:1 260:5
1 1:20 3:10 8:3	**11166** 303:17	**1775** 2:5	**2,504** 260:4
9:13 16:16,17	**11170** 303:18	**178** 5:3	**2-10-20** 6:10
17:21 26:14,18,19	**112** 128:18	**17th** 192:8	**2-10-2020** 256:3
33:24 36:16 40:13	**11254** 81:14	**18** 3:12 4:17 18:2	**20** 4:20 77:11,15
52:10,12 75:24	**117** 4:8	18:4 129:25 130:1	89:22 137:1,3
84:11 101:17	**11:16** 155:16	130:3 299:18,21	144:23 145:8
126:9 207:13,15	**11:55** 155:19	**180** 5:4	146:5,13,16,17
244:14	**12** 1:23 4:6 8:6 9:5	**18021** 293:9	217:7 221:3
1,000 55:2	17:19 104:6,9,11	**18023** 293:10	266:22 333:15
1-1-2020 268:17	143:7 155:1	**183** 5:6	**20,586** 217:23
1-1-21 309:13	**123** 4:9	**185** 5:8	**2000** 226:1
1-15-2021 320:16	**124** 4:11	**1878** 60:18	**20006** 2:6
1-28-19 196:6	**126** 4:13	**1879** 60:18	**2000s** 50:11
1.1. 126:10	**127** 4:15	**189** 5:10	**2003** 22:17,19,21
1.6 202:5	**12:15** 155:2	**19** 4:18 7:24 19:15	**2005** 50:11 226:1
10 4:2 17:14 95:9	**12:53** 193:17	134:9,11	**2006** 50:11
95:12,14,14 98:13	**13** 4:8 5:22 43:23	**191** 5:11	**2009** 181:16
98:14 176:24	117:19,21 326:22	**1911** 11:11	**2010** 19:22 21:8,10
10-23-2009 182:20	**130** 4:17	**193** 5:13	21:16
10/3 6:7	**134** 4:18	**196** 5:15	**2013** 52:5,6 54:1
100 55:4,6 59:11	**137** 4:20	**1994** 22:22 23:3	233:14,16
68:14 93:17	**13898** 256:17	111:15	**2014** 282:20
221:15 235:1	**14** 4:9 5:19 6:3	**1995** 22:22 23:3	**2015** 17:22 33:24
100350 195:18,24	123:13,14,16	111:15	36:16 40:13 166:7
10223 247:3	**15** 4:11 124:11,12	**1:05** 193:20	166:10,13 210:7,7
10358 8:8 334:4,22	124:14 324:22,23	**1:27** 209:3	264:18 282:20
104 4:6	**15,472** 75:25	**1:37** 209:6	291:10
10670 271:12	**152** 4:21	**1:50** 219:20	**2016** 4:3 5:19,20
10675 280:13	**157** 234:22	**1:51** 219:23	6:2 65:10 67:3
10676 271:13	**16** 3:10 4:13 5:7	**1u** 268:20	75:24 95:18 98:14
	18:1,3,7 125:25		98:21 124:4 213:6
	126:1,3 183:3		215:24 216:1,4
	184:17 214:22		

CONF AEO 30(b)(6) Jacqueline Kienzle
July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

[2016 - 37]

Page 2

217:8 218:13	325:11,17	**26** 5:6 95:25	**3,121.66** 175:24
282:20 285:7,10	**2022** 1:23 8:7 9:5	183:24,24,25	**3,121.66.** 175:16
285:22 286:8	147:19 233:12	184:2	**3,732** 265:5
287:10 289:22	**2026** 334:19	**261** 6:14,15	**30** 1:20,20 3:11
291:11	**208** 5:16 156:1	**26961** 334:20	5:13 8:3,3 15:21
2017 3:25 5:21	**209** 5:17	**26th** 40:21	16:6 17:1 92:8
86:3,3,5,9,10,19	**20th** 265:5,14	**27** 5:8 6:2 41:17	114:11 193:24
86:19 88:18 172:6	**21** 4:21 146:5,11	185:6,7,9,11,17,21	194:2 196:17
173:4,13 232:14	146:14 151:23	**270** 6:16,18	319:15
282:20	152:7,11,19	**271** 6:20	**30,000** 23:13 37:1
2018 4:10 5:22,23	155:24	**28** 4:8 5:10 36:19	64:14
5:23 6:3,11 7:6	**212** 5:18	154:24 156:2	**3019** 232:8
61:23 67:5,12,13	**213** 2:19	173:4 185:5,11,15	**303** 7:11
67:16 92:8 99:14	**216** 156:20	189:18,20 245:9	**305** 7:13
105:14,17 123:22	**22** 4:23 18:9	**28,127** 245:10	**306** 7:15
164:3 233:15	151:23 166:23,24	**282** 6:22	**30th** 51:4 235:4
236:20,21,25	167:3 268:20	**284** 6:23	291:23 318:25
292:17 294:13	303:8,17	**287** 7:1	**31** 5:15 158:2
300:1 305:25	**220** 158:2	**288** 7:3	193:23 196:13,15
2019 4:8 61:23	**225** 2:15 218:8,22	**29** 5:11 191:16,18	196:17,18
185:25 192:8	**225,169** 218:4	**29,000** 218:9	**3101** 8:8 334:4,23
197:11,12 247:22	**229-7409** 2:19	**29,586** 216:18	**311** 7:16
248:22 253:17	**23** 5:1 112:3,4	**291** 234:12,13	**319** 7:18
258:8 271:23	171:13,14,16	**2919** 253:13	**32** 5:16 208:8,13
277:2 318:10,11	**232** 5:21	**292** 7:5	**322** 7:19
318:12	**236** 5:23	**293** 7:7	**329** 7:21
202 2:7	**24** 5:3 178:8,10	**2981** 232:7	**33** 5:17 35:24
2020 7:17 158:17	**2410** 180:13	**2982** 233:6 235:17	196:12 209:9,13
258:8 270:10	**2416** 180:14 183:2	**299** 7:9	**333** 2:18
312:2,16 316:25	**245** 6:1	**2:01** 228:25	**34** 5:18 208:7,10
317:20,24 318:9	**246** 6:3	**2:02** 229:3	212:22,24 264:6
318:24 320:3	**247** 6:4	**2:46** 261:17	265:4
321:7 322:2	**24th** 170:19	**3**	**345** 2:10
2020.xlsx 6:17	**25** 5:4 180:10,11		**35** 5:21 208:24
2021 7:20,21	180:13 296:4	**3** 3:14 7:13 33:14	232:4,6,7
145:10,22 147:9	**252** 6:5 260:1	33:19 44:7,8,9,11	**350** 288:3
147:11 148:5	**253** 6:7	44:15 155:20	**36** 5:23 236:10,12
158:18,25 159:5	**255** 6:9	179:8 193:17	**3678** 104:11
161:2,4 175:3	**256** 6:11	253:17	**3679** 104:12
199:8 207:13,15	**258** 6:12	**3,000** 175:20 260:5	**37** 6:1 212:21
259:24 321:17		**3,121** 176:13	245:24 246:2

[3732 - 7340]   Page 3

3732 267:5,6
376-0207 2:15
38 6:3 88:15,16,17
  88:23 246:25
  247:2
39 6:4 236:10,11
  247:19,21
39.5 175:11
3:24 261:20

4

4 3:17 26:14 35:5
  36:11,13 47:10,13
  47:14 51:19
  193:21 219:20
  264:2
4,341,000 318:3
4,537 265:14
40 6:5 128:17,19
  128:21 248:19
  252:7,9
400 2:14 73:3
4030 134:25
40th 50:21 135:1,5
  248:20,25 309:4
  310:19 319:1,2
41 6:7 167:24
  168:4 253:8,10
415 2:11
42 6:9 255:17
  265:12,12
43 6:11 167:25
  168:9 245:23
  256:13,17
44 3:14 6:12 258:4
44.537 265:25
45 6:14 261:1
  300:8
450 56:5 59:12
4537 267:7
46 6:15 170:19
  261:24,25 262:4

47 3:17 6:16 262:6
  270:2,3,5
48 6:18 270:15
  271:4 282:2
48,055,407 268:17
488 64:22
49 6:20 271:8,11
  271:12
491 78:17
498 64:22
4:10 293:2
4:13 293:5
4:20 1:7 9:19
4:33 305:12

5

5 3:19 17:6 26:22
  40:7,11 60:4,5,17
  153:5,13 154:5
  219:24 233:9
  261:17 268:16
5-22-19 130:9
5-3-2011 49:1
50 6:22 54:12,15
  54:21 56:4 195:25
  255:5,10,12
  266:21 282:16,18
  284:10 295:21
  296:2
500 73:4
501 83:14
50th 223:21,25
  225:11 230:13,20
  231:7 235:4
51 6:23 258:2,3,7
  284:9,21 287:25
52 7:1 287:5,7
  288:10
528 83:18 84:25
  87:3
53 7:3 288:24
  289:3,8

530 88:3
54 7:5 292:4,7,16
542 83:15
55 7:7 234:21
  293:6,7,9
56 7:9 299:19,21
5635 191:19
5638 191:19
5683 171:16
5690 173:18 175:8
57 7:11 303:10
5703 176:19,22
5705 171:17
58 7:13 305:17,19
5800 37:1
5820 178:11
5823 178:11
5896 282:19
  330:23
59 7:15 306:14,16
5:01 323:11
5:12 323:14
5:23 331:25 332:2
5:30 305:9

6

6 1:20 3:11,21 8:3
  15:21 16:6 17:1
  53:4 64:19,21
  96:1 261:21 284:8
  305:8 319:15
6-12-2018 126:10
6-30 50:1
6-30-2013 48:21
  49:4
6-4-2018 126:9
6.5 263:24
60 3:19 7:16
  128:22 248:19
  311:17,20,20
  317:6

6010 123:16
6018 123:17
60th 49:9,24 50:2
  50:8,12 51:7,15
  135:1,15 223:18
  248:15,20,25
  249:6 309:7
61 7:18 318:24
  319:16,18
62 7:19 290:19
  316:24 317:7,8,10
  317:13 322:16
  323:21 325:5
63 7:21 329:25
64 3:21
666 214:23 220:3
67 90:25
677-4030 2:7
678-505 2:11
684 223:14 230:12
6:00 240:19
6th 292:9

7

7 3:23 17:14 81:9
  81:10 205:22,25
  206:21,24 244:15
  305:13 321:7
  332:3 334:19
7-29-2019 118:7
7.25 233:23 264:7
7.5 197:19 233:23
700 75:25
70802 2:15
718 320:11
7304 124:14
7312 125:16
7320 124:15
7335 126:4
7338 126:3
7340 126:8

CONF AEO 30(b)(6) Jacqueline Kienzle
LD, DB, BW, RH v. United Healthcare Insurance Comp
July 12, 2022

[7355 - accurately]

Page 4

7355 126:4	**82** 206:11	**91** 4:1	**acceptance** 222:14
7359 99:2	**8209** 196:15	**916** 148:23 149:1	222:15
7361 99:3	206:24 207:1	**94102** 2:11	**accepted** 52:10
742 321:8,10	**8242** 284:22	**9418** 127:14	**access** 5:15 14:20
743 321:3,11	**8245** 284:22	**9421** 127:15	32:2 33:6 52:3,4
745 177:5	**8270** 205:24	**95** 4:2	103:8 118:20
75 221:21	**8274** 207:4	**9602** 270:8	149:20 165:23
772 188:9	**8292** 207:2,2	**9603** 262:4	166:2,9,16,19
7749 185:9,22	**83** 3:24	**9700** 189:22	190:19 194:11,14
7754 186:13	**84** 128:17	**9709** 319:18	194:17 195:15
7768 186:16	**8643** 95:15	**9781** 319:19	205:4,6 206:16
7771 187:11	**8647** 96:6	**9786** 134:12	207:11 233:16
778 188:18,19	**8648** 96:17	**98** 4:4 318:9	236:1 280:5
7781 185:10,22	**8651** 95:15	**981** 310:24	**accesses** 280:3
779 188:17	**87** 290:7,8	**9987** 91:18	**accessing** 273:23
78058 205:10,15	**8725** 325:10	**9988** 91:19	273:24
78062 196:16	**8726** 325:12	**9:30** 84:11	**accomplishments**
207:18	**8808** 305:19	**9:46** 84:14	233:8
78209 206:21	**8813** 305:20		**account** 19:10,18
79 307:17	**8885** 209:14	**a**	48:17 49:3 77:10
7:00 240:18	**8888** 209:14		86:6 92:5 134:17
	8914 137:3	**a.m.** 8:6 9:4	178:21 204:13,13
8	**8916** 149:2	**aaron** 2:5 10:10	204:17,20 220:4
	8917 137:4	**aaron.modiano**	221:2 224:15
8 3:24 17:14 82:24	**8:06** 8:6 9:4	2:8	226:14 239:9,17
83:1,14 84:20		**abbreviated**	240:6,8 278:25
101:13 205:14	**9**	109:14	279:12 314:13,22
287:4		**able** 25:11,15	315:1 316:15,17
8-1-18 92:6	**9** 4:1 17:14 91:14	59:12 62:7 103:22	329:9,11
80 14:11,13 221:21	91:15,16,18	120:13,25 137:6	**accounting** 224:7
221:21	244:14 267:14,14	152:21 182:2	**accounts** 314:8,10
805 267:5,7	288:23	184:9 207:25	314:15,16,21
8056 311:21	**9-24-20** 135:23	231:17,22 244:1	315:3 316:4,7,8,14
8062 317:11,17,18	**9.5** 218:17,22	252:15 272:19	321:19
8086 311:21	233:24	285:10	**accumulating**
80th 287:21 288:2	**9.75** 218:13,22	**absolutely** 94:6	235:6
288:12,13,16,17	233:24	143:16 147:22,22	**accuracy** 156:25
288:19	**9.75.** 218:17	200:17	**accurate** 35:17
81 3:23 311:4	**900** 55:7,12 56:4	**abuse** 12:9,21	157:2,21 176:4
8134 287:8	59:11	213:14	**accurately** 157:19
8135 287:8	**90071** 2:19	**ac** 225:25	
8197 149:9	**906** 62:14,15 63:7	**accept** 51:21	

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

[acknowledge - analyses]   Page 5

acknowledge 333:2	**adopted** 253:5	**agree** 9:11 87:13	**allocation** 62:25 92:21
acquired 21:16,23 149:24	**adopting** 108:16	109:5 121:2,6	**allow** 13:20 40:21
acronym 319:3,6	**adoption** 177:6	142:8,9 212:1	93:12 162:14
act 329:3,15 330:6 330:10	**advisory** 7:19,21 158:5 160:24,25	215:16 216:12 253:15 300:7	276:16
action 4:22,24	163:4 325:11,18	328:15	**allowable** 52:22 112:7 132:22
9:25 152:20	**advocacy** 115:2,3	**agreed** 121:3	175:18,23 176:1,2
167:22 169:9	115:4,8 136:3	**agreement** 5:14,14	176:12
171:24 176:24	137:22,25 187:13	5:15 14:20 32:2	**allowed** 55:9 56:2
334:17,18	187:15,17 195:21	33:6 120:6 151:2	97:18,18 236:6
actions 5:1	**aetna** 161:6	151:4 165:24	269:9 282:9
activity 145:21	226:15 314:6	166:2,9,17,20,20	**allows** 119:22
146:23	316:11	188:19,22,25	120:6
actual 110:18	**afc** 277:12	189:1 194:11,14	**altogether** 114:9
318:10	**affiliate** 20:2	194:17 195:15,19	**ambulatory** 24:8
acute 90:2	159:13 241:5	205:5,6 206:16	24:10 50:23 51:9
ad 135:20 164:20	**affiliates** 159:11	207:11 222:19	51:17 64:8,9
204:10 272:5	160:8,11 241:3,6	233:16 294:1	211:15 226:3,8
add 128:11 263:5	242:11	**agreements**	**amend** 36:1,4
263:7 267:6 325:3	**affiliations** 10:3	170:23 171:2	**amended** 4:21,23
added 20:8 103:19	**affirmative** 167:19	**ahead** 22:9 29:7	152:20 155:24
115:1 131:19	167:22,25 168:10	40:18 84:24 97:12	167:4
136:18 320:16	169:4,8 170:7,9,11	113:2 125:16	**amendment**
addiction 226:11	170:19	141:4 153:2	195:20 196:5
additional 94:22	**aforesaid** 334:11	154:12 168:9	206:16 207:10
address 11:9	**afternoon** 133:13	176:18 185:4	233:11,14,16
333:22	155:22	187:11 188:17	333:5
adjudicate 221:9	**agencies** 194:17	189:17 220:15	**amount** 31:5,7
adjudicates 31:5	195:14	233:5 234:12	51:20 52:23 55:5
133:8	**agenda** 6:1,3,4,7	242:16 245:23	55:9 56:1 97:18
adjust 133:2	6:10 164:18 246:7	246:24 284:15,16	97:18 112:7 116:7
adjusted 132:22	247:5 253:16	289:15 310:2	116:8,12,13
administer 308:21	256:1 289:16	**aigencrypt** 5:5	122:22,23,25
334:6	325:23	**al** 2:4 9:15,16	123:1 176:1,2
administers	**agg.com** 2:7,8,8	**albeit** 109:14	218:10 220:12
159:25 177:10	**aggressive** 176:16	**align** 265:24	236:6 244:2 263:6
269:5 308:20	**ago** 12:2 72:9 90:6	**aligns** 248:20	282:9
administrative	112:3,4 138:20	266:1	**amounts** 91:10
120:5	153:21 165:2	**allegation** 154:21	**analyses** 27:14
	167:14,15,17	**allegations** 154:10	34:16
	279:9 310:22		

[analysis - approach]

appropriate 8:2
51:24 331:8
appropriately
117:6
approval 116:22
approved 117:10
117:16,17 123:7
approximately
295:18
april 172:12
185:25 197:11,12
285:10
area 65:23 108:7
112:11,17 115:19
121:25 122:24
213:13 266:16
274:18
argumentative
315:19,19 322:4
arising 30:18
31:23
arnall 2:3 10:8,10
10:11
arrow 177:4
arrows 230:13
article 170:15
asc 51:1,2 70:10
89:15 224:5,7,12
248:20 291:25
319:1
ascs 51:3 212:2,6
225:25 249:1
aside 283:4
asked 43:18 44:18
68:24 73:20 87:6
106:12 108:18
111:21 112:25
113:15 119:23
136:5,11 140:20
141:8 152:1
162:24 165:19

175:4 182:10
194:16 195:2
218:14 227:16
231:24 237:18
239:5 259:6
275:25 279:25
286:1,17,21,23
287:17 299:3
303:5 307:24
309:11 310:12
314:24 326:11
327:22 330:13,14
asking 26:8 47:18
76:22 113:3,6
130:12 138:7
140:23 141:18
142:24 143:14
153:14 170:13
174:5 179:4
194:10,13 195:1
196:1 200:14,15
222:24 223:1
229:24 231:21
248:23 256:15
273:11 278:12
292:20 295:15
307:9 310:6
aso 6:1 134:25
135:8,10,11 177:3
177:6,16 234:17
246:8,10 248:7,9
308:23
asserted 210:11
assesses 157:13
assigned 63:8
125:2
assigns 41:19
assistance 294:7
associate 46:12
48:17 49:3

associated 91:6
associates 278:25
assume 75:13
227:25 259:2
assumes 174:19
assuming 61:21
101:10 177:5
183:5 198:12
210:7 266:21
attached 181:16
184:24 256:19
262:5 282:2
305:21 306:7
319:20 323:24
325:6,6 333:4
attachment
104:13 105:15
107:24 137:4,14
145:10 181:18
184:3 186:1,4,8
192:10,12
attachments
128:25
attained 95:3
attempt 41:20,21
132:12
attend 158:20,23
160:25 237:12
238:16 241:2
attended 312:3,4,5
attendees 7:20
attending 242:8
attention 83:16
240:2
attorney 10:6
11:18 13:17 14:23
210:14,15,16
313:7 331:6
334:15,16
attorneys 1:18
307:1

audience 85:22
90:17
audio 9:10
august 4:8 6:3
287:10 321:7
automated 221:5
automatically
290:17
available 37:4
52:23 67:15 76:12
98:17 133:14
177:21 273:20,22
275:17
avenue 2:5,18
average 175:25,25
176:1 202:6,13
240:14,15 245:15
245:16 263:25
avoid 301:1
aware 23:23 35:2
46:17 49:7 72:15
86:20 96:4 97:1
98:2 114:18
118:10 127:4
138:6 147:8
168:19 169:25
170:8,18 171:1
227:23 238:23
239:1,2,8,10,12,24
240:10 263:13
307:3 322:13
326:14,16
awful 244:20

b

b 1:20,20 3:11 8:3
8:3 15:21 16:6
17:1 77:19 176:6
179:8 319:15
back 7:22 18:16
30:23 35:6 65:9
80:6 83:24 84:1,6

[back - believe]   Page 8

Case 4:20-cv-02254-YGR Document 323-10 Filed 07/16/23 Page 344 of 394
CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

[believe - called]   Page 9

176:11 178:10 180:5 187:22 189:21 190:2 197:10,16 210:5 211:14 225:16 226:1 231:13 233:15 235:2 236:5,10 237:17 244:14 248:6,11 255:14 256:3 262:20,22 265:7 266:19 267:16 281:20 294:17,20 303:3,22 308:13 308:15,17 310:21 311:13 327:7

believed 248:2

benchmark 86:8,9 86:16,21 175:10 288:3

benchmarks 303:2

beneficiaries 68:16,21,22 69:5,9

benefit 4:17 104:24 105:15 107:25 108:2 109:25 114:25 118:10,20 130:17 130:22,25 131:1,6 131:7,10,10,18,19 132:9,10,15 179:10,13 192:14

benefits 110:14,19 111:4,13 118:3,4 118:12,17 130:14 268:6

best 13:19

better 90:4 179:2

bfrd 126:18 238:19

bh 6:18

big 162:1 241:4 323:22

bigger 242:19,22 242:24,25 243:8

biggest 161:16,20

bill 41:22 55:16,19 91:11 116:17 122:3 128:7 133:5 197:24 198:5 253:2 254:10,11 254:16 262:19

billable 78:19

billed 41:18 42:11 55:16,20,24 70:21 97:3,8,15,16 98:4 115:15 116:7,12 121:23 122:25 128:6,12,20,22 133:7 168:15 175:25 198:1,16 236:7 252:25

billing 157:14

billion 233:9

bills 42:18,25 43:8 43:11,17

binder 207:20

bit 13:11 19:3 28:1 87:12 124:22 143:21 166:1 261:7 266:3 272:16 275:2

biweekly 163:24 164:14,16,17,23 165:1 203:20

black 87:22

blank 81:17

blue 161:10,10,13 161:13

blues 316:12

blurry 243:7

board 7:20,21 158:5 160:24,25 163:4 225:11 325:11,18

bottom 41:17 48:25 62:14 65:11 73:2 79:3 186:9 186:10 195:17 318:9

box 49:8

bpl 179:25

bradley 29:11,22 29:25 106:4 131:15 252:14 299:25 302:9 306:24 307:20

break 155:1,3,4,7 155:10 193:10 208:25 261:5 292:23 331:4

breakdown 282:10,11 317:21

breakout 6:14

breaks 224:12

breeze 276:2,13

brfd 126:16 127:7

brian 2:23 324:16

briefly 142:3

bring 16:15 18:21 129:21 140:4,6,7 153:9 158:7,9 325:25

broad 24:7

broke 27:25

broken 257:20

brought 156:16

budget 144:24 145:8 146:16 148:2,4 318:5,9,12 318:17,22

build 102:1

bullet 108:3 116:19 321:12

bump 179:3

bunch 230:13 264:16 269:21

business 20:2 91:24 125:1 157:1 159:16 161:25 190:6 246:8 248:9 291:7 329:13

butler 180:23 181:13 185:25

bw 1:5

bypassing 179:1

c

c 9:1 70:12 176:7

ca 2:11,19 334:22

calculated 196:23 263:2,18

calculation 181:23

calculations 181:4 263:1

calendar 68:16

california 1:2,12 8:7 9:18 194:9 195:14 334:3

call 59:12 60:24 100:2 101:16 123:1 163:25 187:5 203:20 277:16 293:20 301:23 302:8 327:13,25 328:4 328:13 330:24

called 8:4 55:14,25 149:25 176:24 196:2 262:25 280:22,24 308:16 322:9

calling 102:2
  296:6
calls 30:2 31:2
  36:6 44:1 107:6
  107:10 115:17,25
  257:9 299:10,12
  302:10 309:23,24
  326:12
camera 9:7
cancel 322:21,22
canyonpoint
  11:11
capabilities 214:1
capacities 14:2
capacity 14:4
  256:16
caps 101:22
capture 243:18,25
  245:12
card 150:6,7,8
care 90:2 225:18
  225:20 281:24
careful 13:17
carolyn 246:9
  273:6 277:24,25
case 9:18 12:11,15
  12:19 13:2,6 16:4
  31:23 32:11,12,24
  34:23,24 45:17,19
  82:21 89:6 93:19
  101:14 120:15,15
  121:1,4,4,14 139:1
  139:5 140:11
  143:15 155:25
  162:4 165:6
  168:23 169:12
  177:13 199:18
  211:24 230:8
  260:15 296:20,25
cases 140:6

castle 11:11
casualty 314:10
catch 164:17
categories 17:3,4
  24:7
categorized 79:10
  96:22
category 17:6
cc'd 285:6
ccr 8:8 334:4,23
center 24:9 50:23
  51:9 62:17,19
  63:6,17 75:9
  275:8
centers 211:16
ceo 20:14,15,18
  21:3 144:25,25
  203:21 227:25
  228:7 301:25
certain 14:3 53:23
  145:18 154:10
  275:10 277:5,6
  300:25
certificate 106:20
  108:24 334:1
certified 94:4
certify 334:6
cetera 33:23 51:25
chain 4:4,6,15,17
  4:20 5:4,6,8,11,13
  6:5,7,9,11,12,14
  6:20,23 7:1,3,7,9
  7:13,15
challenges 294:4
chance 84:19
  209:17 284:23
change 99:25
  100:1 179:2
  235:19,20 292:22
changed 20:7 23:8
  23:14 72:15 132:7

  136:9 309:10
  319:2
changehealthcare
  236:1,2
changes 4:20
  100:10 126:14
  129:9,13 137:12
  137:17 145:5,17
  145:17,21 146:19
  146:23 147:3,5
  251:24 309:21
  310:9 333:8,9
changing 309:20
characterization
  87:15 109:16
characterize
  173:21,21,25
charge 36:15,25
  38:12,14 61:8,11
  61:16 88:15,22
  90:22 91:1,9 97:3
  98:4 108:5 112:16
  114:1 156:5,8
  181:12 198:4
  245:12 254:10,11
  288:5
charged 55:9
  97:17 112:10
  168:15
charges 36:21
  38:11 39:8,11
  55:21 73:4,9,10
  88:23 91:10,11
  97:8 108:6 122:3
  128:7,12,20,22
  133:5,7 175:25
  236:7 282:8
charging 38:15
  112:17
chart 156:20,22,25
  157:2,4,7

cheaper 226:4
check 7:13 121:13
  156:20 198:11
  201:12 206:18
  290:18
checked 49:9 53:7
  54:7
chicago 246:23
choice 308:23
choose 145:20
choosing 145:24
chose 49:15,20
cigna 160:25
  162:24 226:15
  283:4 314:5
  316:10
cigna's 283:2
cio 313:7,8
circumstances
  11:22
civ 3:11
civil 8:2 35:24
cj 1:5
claim 12:9,21 31:5
  31:10 43:14,14
  51:22,23 52:12,23
  53:15,24 54:16,22
  55:2,3,11,22 56:3
  56:18 57:1 58:5
  62:10,10,11 63:6
  63:18,24 69:11
  70:8,11,12,14,20
  70:21 76:25 79:24
  79:24 87:1 90:23
  91:2,5 92:17,20
  93:2,4,5 97:2,14
  110:8 113:7
  115:12,14 118:6
  121:24 123:3
  126:22 128:4,6,7
  128:13 130:17

131:6 133:3,6,8
136:4 151:15,17
157:9,14,20
175:10 179:10,13
186:1 192:11,11
197:1,3 198:6
202:25 212:9
216:17 220:21
221:7,9 222:2
234:2 243:17,25
244:2 245:17,18
250:13 254:14
263:25 272:1,2,14
280:23 281:12
282:11 293:24
300:8,23 327:3,8
327:12,17,23
328:12,17 330:11
claims 4:8 6:22
13:3 17:21 22:7
23:8,22 24:4,8,9
24:12,15,21,24
30:11,19 33:23
34:11,12,17 38:4
39:19,20 40:14
49:15,21 50:9,15
50:17,23,23 51:8
51:10 58:4 61:1
64:11 68:12,15
69:8,25 70:2,2
71:8,16 74:3,14
88:12,17,19 89:5,7
89:23,25 91:6
92:14 93:18,25
97:8 98:3 102:1
103:12 108:4,8
113:11,12 114:1,3
118:2,5 119:8,13
120:7 121:22
122:2,10,16
125:20,20,23

126:21 128:3
130:13,14 131:11
131:17 132:8,10
132:15,21 137:23
138:6,13,16 139:8
139:25 140:10
141:11,11,21
144:1,12,15,18
148:17 151:5,11
156:7 157:4
159:24,25 168:12
168:12 169:10,12
169:14,17 170:20
170:20 171:2
175:19 176:6,13
176:16 179:1
180:8 211:18
212:18 216:19
217:11,23 218:9
221:15,17 222:22
222:23 223:3
224:9 243:23,24
244:1,3,21,22
249:5 252:22
254:9 256:4
266:10,24 267:4
267:15 271:25
272:12 275:9
276:17 280:18,19
282:7,13 283:10
285:23 304:18,19
304:21 309:4
310:9 326:20
327:21
clarify 267:11
279:21
clarity 78:2
class 4:22,24 93:23
93:23 94:1,3,5,6
140:11 152:20
168:13 170:21

171:2,4
classification 64:8
classifications
64:10
clean 248:18
clear 28:7 274:9
clearly 244:25
client 3:17 7:7,19
7:21 20:1 48:13
51:21 82:20 94:23
158:5 160:24,25
162:1 163:3 176:6
176:7,7 204:4,4
210:14 226:16
227:2,12,15
302:14 325:11,17
client's 108:5
clients 3:23 52:10
90:13 115:5 140:7
141:21 158:8
161:25 177:6
181:21 214:5,11
225:7 227:9,10
close 53:15,16,24
54:22 184:7
315:21
cms 36:22 39:8,12
68:5,12,15 69:8
74:1 75:7,8,10
79:9 96:20 260:3
cms's 36:20 68:13
75:24
coc 106:5,19
cocs 106:18
code 6:14 62:17,19
63:6,17 76:4,5
157:14 181:23
182:4 267:19,23
268:5,13 327:7
coded 168:15

codes 75:17,25
79:8 96:20,24,25
97:2 182:17
coding 68:6
collaborate 226:20
collaboration
234:8
collaborative
225:17
colleague 227:20
colleagues 10:9
241:1
collected 68:12
146:6 199:4
201:14
collects 263:25
colorado 8:9 334:5
column 81:16
218:7 243:19,22
combine 232:25
combined 224:13
come 22:7 35:3
40:24 46:5 66:9
72:10 92:17
129:22 157:4
170:16 172:16
208:3,20 224:4,16
225:22 226:20
240:2 263:6
274:17 288:2
290:9 308:8
comes 33:17 36:25
46:7 49:23 62:11
63:6 157:9 158:11
198:17 220:18,21
221:7 225:9
236:15 263:16
265:5 300:4
coming 108:11
148:17 238:3
243:23 244:3,21

266:7,12 267:9
284:12 329:19
commencement
334:7
commencing 8:6
comments 101:14
101:15
commercial
113:11
commission
333:18 334:19
commissioned
334:6
common 68:6
communicate
163:22 226:24,25
communicated
100:25 302:18
communicating
210:17
communication
210:20 242:10
communications
105:18
community 248:7
comp 114:10
263:10
companies 20:2
151:1,5
company 1:10
9:16 72:24 137:20
150:21 160:16
228:1
comparable
288:13
compare 102:15
247:8 248:19
285:23 287:17
compared 108:5
176:13 287:12

compares 176:6
comparing 102:23
174:21 286:24
306:10
comparison 3:23
82:12 174:1 303:2
comparisons
286:6,13
compel 47:4
competitive 83:9
171:23
competitors 83:7
174:12,22 176:14
compiled 108:7
complaint 4:22,24
14:17 15:9 152:20
152:22,24 153:17
154:10,21 155:25
167:4 260:15
294:6
complete 29:25
35:17
completed 190:4
completely 13:20
83:25 157:21
160:18
complex 109:10
109:14
complimentary
276:8
components 74:1
74:12
compound 51:11
54:3
computer 193:11
250:10 322:18,23
322:24 324:3,19
concern 30:10
139:24 143:25
144:11 260:17
326:19

concerns 144:15
144:17 304:2
concierge 2:23
324:15
concisely 142:3
concluded 332:1
concludes 331:21
conclusion 36:7
conditions 152:17
conduct 27:14
168:11
conducted 9:6
39:17,23
conference 324:22
confidential 1:18
331:6
confidentiality
121:23 294:1
confirm 254:25
305:2 330:25
confirmed 321:16
confirming 136:1
confuse 308:24
confusing 308:22
conjunction 41:11
connect 195:19
connected 334:16
connecticut 1:11
connection 9:8
191:23
consider 51:9,21
74:25 75:11
166:19
consideration 5:19
consistent 238:9
constitutes 333:5
consulted 210:2
contact 29:8 41:20
242:4 301:14
302:1,14

contacts 241:22
contain 33:7 68:20
156:5,7 214:11,14
214:18
contained 25:16
25:21 27:11 69:19
259:15
containment
150:21
contains 38:24
68:14 73:3 75:24
137:4
content 115:1
contents 176:11
contest 201:17
context 271:6
continually 94:16
continuation 4:5
99:15
continue 9:10
53:20 237:5,11
continuing 237:8
contract 93:5
150:3 233:11,12
276:14,15 279:10
279:10,24 280:12
contracted 92:16
contractors
279:19
contracts 92:22
93:19 94:1 236:5
275:4,6,21,23
controls 166:20
controversy 334:9
convention 2:14
conversation
227:11 242:9
252:21 301:20,21
327:25
conversations
191:8 203:13

249:10
coo 313:16
coordinate 292:24
copied 139:23
 143:23 144:9
 178:16
copies 331:1
copy 205:6 206:10
core 74:11
corner 83:20 92:7
corporate 14:2,18
 15:21 16:2 43:2
 139:2 199:25
 200:1 204:18
 256:16
corporation 1:11
 1:12,13
correct 18:14 24:2
 29:16 44:23 49:24
 49:25 50:13 51:2
 52:25 53:1 54:25
 55:7,9 56:5 57:12
 58:23 60:1 66:10
 66:11 70:15,18
 71:16 73:19 92:23
 92:24,25 93:1,6,7
 95:6 101:5 114:13
 128:9 132:4 135:6
 142:9 148:15,16
 148:18,19,21,22
 150:10,19 151:20
 152:15 160:5
 162:17,17 178:18
 179:14,15 183:13
 201:9 205:5
 206:10 212:9,13
 214:2,15 216:1,2
 216:21 218:10,11
 219:12 220:5,6
 223:9,10,18,19,21
 224:17,21 226:6,9

231:19 233:19,20
 233:24,25 235:8
 235:10 237:2,3
 238:11,12 244:5,6
 245:18 247:15,16
 250:5 254:16,19
 256:8 257:24
 258:13 266:24
 268:10,11,17,18
 269:18,19,24,25
 274:25 275:3,18
 276:11,12,17
 280:6 282:12
 296:21,22 299:2
 301:14 303:6
 304:21 309:5,6,8,9
 310:11 314:14
 318:4 326:17
 327:4 328:4
 334:13
corrected 90:9
correctly 217:10
correspondence
 139:24 143:24
 144:10
corresponding
 75:19
cost 38:11,16,18
 38:19 62:24,25
 131:24 150:20
 225:18,19,22
costs 38:20 175:18
 175:23 214:11,14
 214:18 224:9
counsel 9:14 10:2
 10:11 46:12,13
 78:8 119:15
 155:12 210:13,18
 210:21 211:24
 228:22 261:13
 323:1 334:15,16

counterpart
 160:10 226:14
 313:24
counterparts
 313:20,21
couple 153:21
 165:2 167:14,15
 191:4 205:17,21
 230:2 245:20
 284:6 293:24
 317:4 318:19
 319:7,25 321:12
course 66:19
 91:24 118:13
 125:1 126:25
 190:6 291:6
 318:20
court 1:1 9:17,23
 13:16
courtroom 13:14
cover 57:22
 208:14,17 264:15
 270:6,16 271:3
 330:21
coverage 106:20
 108:25
covered 78:5
 83:17 115:20
 164:23 245:22
 319:24 331:20
covers 173:19
 264:17
covid 145:21,22
 146:23 147:1,6
 148:7,8,14 158:16
 163:20 172:14
 191:14 202:7,7,13
 202:17,22 204:6
 237:4 238:2,7
 312:15,18 318:13
 318:14

craig 331:15
craig's 47:7
crandell 23:10
 25:25 37:14 63:13
 63:22 65:20 68:7
 69:3 71:5 73:23
 74:9,20,23 78:6
 96:15 103:24
 113:18 157:23
 182:8 193:5
 211:11 258:12
 285:9 287:14
 288:1,11 301:23
crash 322:19
 324:2,3,7,11,20,25
crc 8:8 334:4,23
create 74:12
 263:14 290:14
created 90:17
 141:10 290:17
 291:3
creates 290:12
creation 139:8,15
 264:23
cross 64:4 120:22
 120:23 142:12
 156:14 161:10,13
crossed 58:15
crosstalk 241:14
crosswalk 75:17
 75:24 76:1,2,3,4,5
crosswalking
 77:22
crr 8:8 334:4,23
csr 8:7 334:3,22
curious 60:18 74:8
 89:21 96:3 106:6
 119:16,24 122:9
 231:2 283:9
current 5:10 19:4
 19:5,6,7,17 20:4

123:25 135:4
144:25 164:5
171:22 197:3
250:13 253:3
255:13 288:3
currently 22:23
23:22 24:2,3
125:22 129:18
131:13,16 189:8
233:23 238:21
289:23 296:10
cursory 288:2
custodian 200:8
200:10 266:17
customary 22:8
71:23 72:13 107:3
107:4,10 112:9,13
112:16 113:8
236:7 264:7
307:23 308:4,8,9
308:16,25 318:4
customer 161:6,17
161:20 162:12,15
294:1,4,9
customers 81:19
82:8 158:13,14
160:23 161:11,14
178:2 183:8,12
225:1 227:24
293:21 308:23
309:19 310:8
313:22
cut 66:22 207:6
248:19 311:2
cv 1:7 9:19
cy 122:20 268:2,16
327:2

d

d 9:1 35:24 176:7
dale 20:12,13,24
20:25 21:1,2,6

144:24 145:13
203:5,16,17,19,21
204:18 205:1
227:22 228:15
285:9 288:1
301:20 312:5,9,14
312:20 313:2
318:20
dallas 172:19
damages 32:15
147:23
dan 2:21 10:18
darkest 90:24
data 7:11,14 36:15
36:21,25 37:5,21
37:25 38:1,3,12,14
38:16,18,24 39:4,5
53:3,8,12,17,20
54:7 62:11,12
68:10,20 69:2,3,18
69:18,18,19,19,21
70:25 71:15,24
72:13 73:18 75:1
75:11 76:15 78:12
79:8,23 83:16
96:20 98:5 102:1
103:9,12 106:7
108:7 112:21
113:4 120:11,14
130:13 132:1
133:20 156:8
179:1,12 180:2,4
181:22 182:3
222:6 231:10,20
249:23 255:11
259:15 260:1,3
262:10 269:23
275:9 278:9 290:9
290:11,13 293:25
298:12 304:2,3,8
304:12,14,16,16

304:19,20 306:11
306:11 326:19
database 37:5
69:20 73:3 115:14
259:12 288:18,20
308:8
dataset 33:22 34:5
34:7 98:5 231:17
date 48:22 50:1
61:18 84:15 86:2
92:9,10 95:25
101:7 118:6 126:7
126:9 187:20
210:6 247:10
277:1 309:15
321:10
dated 4:8 99:11,14
105:14 123:22
130:9 192:8 196:5
236:21 259:23
270:9 271:23
285:10 292:9
300:1 321:6
day 29:14,14,15
29:15 118:15,15
134:21,21,22,22
140:22 141:2
178:20,20 179:18
179:20 204:12,12
204:14,14 228:4
237:9 239:17,17
239:22,22,24,24
240:11,11,14
241:22 248:20
266:21,23 273:3
311:9,9 333:15
db 1:5
dc 2:6
deal 160:14
deboer 2:22 9:21

dec 6:11
december 270:10
decided 275:15
decision 28:23
31:6,9 273:18
decks 174:5
decrease 139:8
329:19
deeper 137:8
deepest 41:21 42:4
42:7,9
default 4:16 6:5
63:2 97:8 128:3
128:10,11,12,12
128:15,17,19,21
129:4 134:4
252:22,22 253:3
defaulted 98:4
defaults 97:2
defend 231:7
defendant 3:13,16
25:7 44:17 296:23
defendants 1:14
defending 294:4
defense 167:19,20
168:10,20 169:4
170:15,19 171:6
defenses 167:22
167:25 169:8
170:7,9,11,11
defensibility
230:25
defensible 230:14
230:16,20,21
231:1
defer 38:7 41:6
63:22 74:22
113:17,23 170:2
definition 125:19
definitions 3:17

delete 45:8,12,22
denver 11:13
  155:2
department 46:7,8
  46:17 100:7
  108:13 181:1
  194:8 198:13
  227:23 262:18,23
  263:4
depending 204:11
  232:23
depends 9:7
  105:12 133:8
  151:17 158:24
  177:20 204:1
  219:5 220:12
  252:1,4 329:20
deployed 135:12
deployment
  135:25
deponent 333:1
deposed 12:1 13:6
  15:20 16:2 121:14
  165:10,17 296:20
deposing 12:20
  260:19
deposition 1:20
  3:10 8:3 9:5,14,20
  12:4 14:8,16,17
  17:1 40:20 67:1
  97:19 112:25
  140:21 143:10
  162:6,22 167:17
  200:22 271:20
  296:19 300:19
  315:25 331:5,7,12
  331:15 333:2,5,8,9
  334:10
depositions 120:15
depth 123:17

derek 313:13,14
describe 22:1
  27:21 33:19 36:13
  40:12 41:2 48:14
  60:21 62:4 110:2
  130:10,20 246:6
  252:15 285:11
  306:3
described 117:6
describes 60:25
describing 128:1,2
  182:22
description 3:9
  35:17 109:6,15
design 4:13 126:6
  126:20
designate 120:14
  120:23 121:2
  130:25 131:6
designated 17:10
  17:16,24 23:10
  37:14 40:19 58:8
  77:7 104:17
  130:14 139:1
  142:20 152:21
  153:11 154:2
  156:14 167:5,8
  182:6,8
designation 131:2
designations
  120:25
designed 74:13
detail 33:19 35:11
  36:13 40:12 75:4
  76:20 79:20 96:5
  109:6 157:6
  175:22 176:3
  177:11 188:5,5
  192:11,11 257:23
  259:20 267:3

detailed 4:13 74:6
  126:5 198:17
details 5:7 64:16
  169:23 184:17
  187:24 231:16
determination
  221:8
determine 34:16
  73:18
determined 41:16
  41:17 112:9
  151:15 219:5
  294:8
determining 33:21
developing 186:22
development
  213:12 274:18
  279:2
dialysis 24:12,13
  50:23 51:2,4,9,16
  89:17 224:13
  319:1
die 140:17
diego 163:10
difference 55:7,21
  70:7 91:1 96:3
  106:25 235:1
  259:25
different 12:2 20:5
  31:14 50:22 59:4
  74:18 81:18,19
  95:23 106:21
  116:20 117:1
  124:3 125:11
  135:17,17 145:19
  149:22 160:15
  177:19,23 222:4
  233:1 235:3,5,7
  241:21 242:21
  250:14 291:8

differently 206:5
difficult 153:15
digging 242:7
direct 83:15
  210:20
directly 123:1
  141:11 327:13
director 21:13,14
  21:14,15,17,22
dis 5:12 192:9
  269:23
disagree 141:5
disclaim 77:14
disclaimed 77:19
disclaimer 135:20
  136:15,18 320:16
  320:18
disclosure 293:20
discount 128:12
  128:17 133:3
  235:21 236:3
  245:16 300:8
discounts 149:20
  179:2
discovery 26:4,6
  35:9 94:6 162:6
  315:25
discretionary
  130:21
discuss 201:22
  203:5,8,11 212:8
  238:19 246:10
  290:2 296:13
discussed 120:16
  163:11,14,15
  165:3,6,9,17 230:8
  234:14 249:5
  296:16,25
discusses 320:9,15
discussing 104:20
  104:22 130:10

CONF AEO 30(b)(6) Jacqueline Kienzle
July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

[discussing - edwards]   Page 16

213:8 252:16 273:5

discussion 80:23 110:12 192:25 251:21 254:3 255:12

discussions 142:7 166:9 178:5

disorder 16:3 112:23

dispute 43:14 300:10

disputes 132:11 300:16

disputing 300:6

distribution 33:22 88:15,22 90:22,23 91:2,2,5,9 182:20 293:25 298:13 310:21

district 1:1,2 9:17 9:17

divide 245:10

division 1:3 9:18

dl 2:9 10:12

dllawgroup.com 2:12

dmhc 5:13 194:8

docs 7:4

doctoroff 313:6

doctors 122:6

document 4:14,18 5:16 16:23 25:8 25:12 26:4 44:11 44:23 47:11 48:8 48:11,20,23 49:5,7 50:4 51:6 60:22 61:2,5 62:5 64:24 65:1,5 66:18,25 67:4,8,9,16,21 73:7 81:13,25

82:2,6,15,18,19 83:4,13 85:5,7,8 85:10,21 87:5 88:22 90:8 91:14 91:21,22 92:7,9,10 95:19,22,22 96:1 99:6,8,9 101:24 103:23 104:12,16 104:19 118:1,8,9 122:20 123:12 124:15,17,18 125:16 126:4,5,6 126:12,13,15,16 127:17,18 128:1,2 134:12,14,16,20 137:7 146:3 167:7 167:13 169:6 171:9,19,22 178:14 184:13 186:5,6,20 187:12 188:11,21 189:3,7 189:21,24 190:1,2 190:8,13,16,25 191:7,21 192:3 194:5 196:20 200:5 201:3 206:19 207:18 208:11,15 209:15 211:15 212:10 213:2 230:12 235:11 243:8 246:4 253:14 255:24 256:10,21 256:24 257:1,10 257:13,13 258:15 260:5,8 262:7,9 271:16,19 275:20 282:5,24,25 284:24 285:4,12 287:3,24 288:22 289:10,13 291:2

292:2 299:24 303:19,21 304:2 305:20,22 306:13 306:22,24 307:7 310:17 311:16,22 311:25 312:1 319:8,24 320:2 322:14 323:22 324:16,18 328:19 328:23 330:24

documentation 7:2

documents 14:6,8 14:19,21 15:13 27:8,11,15 35:24 44:19,22,25 45:5,8 45:13,20 46:19 60:8 81:13 96:4 97:20,23 124:25 126:24,24 147:12 167:16 254:3 261:6 284:7 293:21 304:25 305:5 331:16

doing 83:7 100:14 120:17 140:2 142:18 148:12 173:13 174:2,12 204:2 213:22,23 214:4 227:24 238:9 240:21 254:22 278:15 303:2 309:24 319:14 324:13

dollar 91:10

door 219:14 228:18,19,20 243:24

double 58:8 121:13

dr 209:23 210:1,15 210:16,20,25 211:3,12,17,23 212:16 224:6

drafted 65:10 66:12 108:9

drafter 65:12

drafts 65:5

drag 142:23

drive 291:13,17,19

drop 248:16

due 273:7

duke 179:25,25 180:1,4,5,7

duly 10:24 334:8

dunbar 2:13 10:14

dunn 2:17 10:17 10:19

duties 20:8

dynamic 302:25

e

e 9:1,1 11:8,8 179:8

earlier 75:6 96:23 105:1 113:15 124:5,22 125:5 135:4 223:17 233:21 247:12 252:21 253:6 262:14 268:7 303:22

early 14:14 50:10

earn 95:3

ease 106:22

economics 65:23 77:18 181:1 250:5 250:12 258:11 284:1 290:12

ecq 195:19

edwards 29:18,19 29:21 106:4 130:9

[edwards - excuse]   Page 17

131:15 190:24
191:6,10 204:20
204:21 247:23
251:12 252:11
270:9 291:5
302:19 306:24
307:21 312:7
320:3,21 321:6,14
331:15
effect 93:9
efforts 36:14,17
eight 15:5 314:12
either 32:1 80:25
107:18 131:17
180:16 207:12
218:22 233:24
278:7
elective 148:12
203:3
electronic 207:20
eligible 92:15
119:8,10 122:23
122:25 275:9
276:17 280:15,18
280:23 281:3,12
eliminate 177:3
eliminated 177:16
email 4:4,6,15,17
4:20 5:4,6,8,11,13
6:4,5,7,9,11,12,14
6:16,20,23 7:1,3,7
7:9,11,13,15,16,18
14:18 46:2,5
100:3 101:13
127:19 130:8,11
131:14 180:22
184:16 185:24
190:21 192:8
203:9 242:10
247:22 248:21,23
249:15 252:11,16

252:17 260:17
262:5 270:6,17
271:3,18 273:4,10
277:2,17,24 287:9
287:14 288:11
292:9 293:12
299:24 303:1
306:4 307:14,15
307:20 320:2,4,6
321:6,11 322:2
324:16 331:14,14
emails 15:15,17
34:25 45:12
102:22 139:23
143:24 144:10,20
164:22 242:7
320:5
emma 213:6
287:10 291:18
emma's 291:19
empire 177:8
184:19 268:20,21
268:25 269:4,17
employee 248:1
employer 19:5,6
145:19,23 177:24
178:2 310:4
employment
118:13
encompassing
265:17
ends 172:10 205:9
223:14 234:13
enhanced 214:7
enhancements
213:13,15,21
214:2,4
enhancing 5:1
enlarge 243:13
enter 279:1

enters 189:2
entire 154:5 174:6
174:8 331:5
entirely 141:6
entirety 154:5
entities 150:23
161:11,14 215:3
entitled 124:20
126:5 145:10
eob 57:2 59:10,15
104:24 105:16,19
107:25 109:22,24
115:1 116:4,5,11
116:25 117:8
303:24 327:1
eob's 106:9 110:2
eom 7:15 311:7,12
equals 218:9
equates 285:14
equivalent 287:21
errol 2:13 10:13
11:18 25:19 46:23
142:18 239:14
240:24 241:16
301:9 309:17,25
315:12,18
errol's 322:23,24
errol.king 2:16
esq 2:4,4,5,10,13
2:18
essentially 16:11
established 327:3
estate 118:6
168:24 169:14
estates 169:13
estimation 221:24
288:12
et 2:4 9:15,16
33:23 51:25
event 158:12,15

eventually 177:15
evidence 168:19
168:22 169:3,7
170:8
evolving 134:20
exact 61:18 179:21
exactly 94:12
119:17 153:11
180:6 216:9
228:10
exam 5:14
examination 3:5
8:5 11:1 334:7
examinations 3:3
examined 10:25
example 24:8
54:16,16,25 57:2
59:9,10 75:16,18
77:1 78:3 130:16
222:5 225:9 242:3
264:5 265:4
266:22
exceeds 116:7,12
excel 190:22
exclude 179:11
273:19 274:10
278:21,24 279:4
excluded 6:18
79:9 96:20 119:12
121:20 273:12,14
273:17 275:14,22
277:6,13 279:23
excluding 177:6,7
exclusion 277:20
278:15
exclusions 6:21
excuse 18:3 20:21
101:22 118:3
126:4 196:16
225:13 235:17
236:10 258:10

[excuse - facility]   Page 18

272:22 299:21
executed 195:21
executive 21:4
  125:3
executives 160:20
exhibit 2:23 3:10
  3:12,14,17,19,21
  3:23,24 4:1,2,4,6,8
  4:9,11,13,15,17,18
  4:20,21,23 5:1,3,4
  5:6,8,10,11,13,15
  5:16,17,18,21,23
  6:1,3,4,5,7,9,11,12
  6:14,15,16,18,20
  6:22,23 7:1,3,5,7,9
  7:11,13,15,16,18
  7:19,21 16:16,17
  18:22,23 25:2,5,16
  26:8 44:7,9,11,15
  47:10,13,14,19
  60:4,5,17 64:18,19
  64:21 81:9,10
  82:24,24 83:1,14
  83:14,23 84:4,6,20
  91:14,16,18 95:8,9
  95:11,12,12,14,14
  96:1 98:10,11,13
  98:14,23,24 99:2
  104:5,6,6,9,11
  117:18,19,21
  123:13,14,16
  124:10,11,12,14
  125:25 126:1,3
  127:10,11,12,14
  129:24,25 130:1,3
  134:8,9,11 136:25
  137:1,3 152:6,7,11
  152:19 155:23,24
  166:23,24 167:3
  171:13,13,14,16
  178:7,8,10 180:9

180:10,11,13
183:24,25 184:2
185:5,6,9,15,17,21
189:17,18,20,20
191:15,16,18,18
193:23,24 194:2
196:11,13,15
205:4 206:4
207:24 208:7,7,8
208:10,23 209:8,9
209:13 212:20,22
212:24 220:3
232:3,4,6,7,9
235:15 236:9,10
236:10,12 242:15
245:24 246:2,24
246:25 247:2,18
247:19,21 252:6,7
252:9,9 253:7,8,10
255:16,17,19
256:11,13,15,17
257:25 258:1,4
260:25 261:1,3,24
261:25 262:4,6
270:2,2,3,5,14,15
270:17,20 271:4,7
271:8,11,12 282:2
282:2,15,16,18
283:21 284:9,10
284:12,21 287:5,7
287:7,25 288:9,10
288:24 289:3,8
292:4,7,16 293:6,7
293:9 299:19,21
303:9,10 305:16
305:17,19 306:14
306:16 311:17,20
311:20 317:3,6,13
319:16,18 322:16
323:17,21 324:1
324:15 325:5

326:22 329:25
exhibits 3:7 14:11
  14:13 48:1
existed 22:19,20
existence 22:22
existing 93:8,13
expect 221:10,17
  222:5 224:17
  329:18
expected 146:6
  151:24
expecting 146:17
  221:14
expedition 315:8
expense 122:23
experience 89:22
  113:20 272:12,14
experts 158:9
expires 333:18
  334:19
explain 35:10
  41:25 62:5,8
  76:22 111:3
  115:11 140:12
  281:12 282:4
  289:12 328:16
explained 56:7
  120:8,10 141:7
explains 65:3 85:8
  126:18 181:17
  327:20,21,23
  328:3,11
explanation 3:21
  109:25 110:14,18
  111:4,13 118:2,3
  118:10,12,17,19
  121:8 181:16
  268:6 293:24
  311:1,13 327:6,8
  327:17 328:4

expressed 326:18
expressing 139:24
  143:24 144:10
extender 149:19
  149:24 150:1,24
  151:16
extenders 177:3
  177:15 275:8
  276:6,16
extension 233:12
extent 168:14
  170:22
extra 56:5
extremely 119:19
  120:1
eyes 1:18 331:6

f

f 6:12 70:12
facilities 282:11
facility 3:17,21 4:2
  4:7,9 7:5 22:6
  24:4 35:9 37:2
  38:19,20 49:6
  50:15,16 51:10,17
  63:16 68:11,12,15
  69:8,20 70:2,8,9
  70:20,21 74:14
  88:8 89:12 95:17
  105:15,20 106:23
  106:23 107:7,18
  107:24 108:1,4,5,8
  109:21 114:25
  123:23 130:15,18
  131:17 132:3
  133:22,25 135:1,5
  179:12 184:19
  211:18 212:18
  216:5,20 217:12
  217:23 238:22
  242:18 244:13,22
  247:8 248:14

[facility - foregoing]   Page 19

249:5 256:4 268:2
268:16,20 269:17
281:2 293:16,22
294:22 295:5
296:11,14,17,21
304:7,12,15,17,17
304:19,21 306:11
309:4,20 310:9
326:3,20 329:16
329:18 330:11
facility's 108:7
fact 41:18 67:19
  80:24 120:20
  165:9 233:21
factor 161:19
facts 153:13 154:5
factual 170:14
failed 132:21
failing 241:19
fair 72:10,12
  97:15,16 101:17
  101:23 102:1,9,16
  102:23 103:9,11
  128:6 252:25
  253:2 258:22
  259:1,4,10,12,16
  259:23,25 285:18
  285:23 286:7
  287:12,22 288:5
  288:13,16 307:22
  308:3,6,14,15,16
  308:24 321:12,15
  322:3,9
fall 12:8 16:3
  20:17 24:8 51:10
  89:8,24 96:10
  266:11 296:20
  304:13
familiar 17:9
  21:24 32:10 34:7
  34:22 35:12 37:9

38:16 46:9 49:4
53:5 76:2 133:15
159:21 165:23
188:11,21,22
243:18 282:22
285:5 308:20
familiarity 74:2
  77:13
familiarize 289:5
family 314:4
far 37:21 58:18
  73:17 78:4 125:22
  162:5 199:10
  215:6 312:10
favor 32:24
feb 7:17
february 271:23
  277:2 334:19
fed 3:10
federal 35:24
fee 79:9 96:21
  112:9,13 184:20
  196:23 197:4
  198:3 218:12,21
  233:11,18 234:10
  255:11 263:25
  275:8 276:7,16,16
  280:15
feedback 110:24
feel 331:16
fees 5:7 6:11 146:6
  146:18 168:14
  184:17 197:24
  199:4,7,10 201:14
  202:1 233:22
felt 121:25
fh 6:12 258:21
  260:5
field 131:19
figure 207:8
  218:20 265:20

file 36:20 37:3,8
  37:12,23 38:10,24
  39:8,18,21 68:14
  68:14,20 75:1
  76:14 112:21
  185:14 195:21
  196:7,8 298:21
filed 9:16 171:10
  315:10
files 200:5
fill 251:5
final 31:6,9 189:14
  195:22 221:8
  233:10 324:8
finalized 233:10
  233:15
finance 198:13,23
  262:18,22 263:4
  264:22
financial 195:20
  266:15
financially 10:1
find 138:21 201:2
  207:25 264:14
finding 208:1
fine 12:16 26:8
  140:13 142:6
  200:23 217:25
finish 13:22 29:7
  51:8 66:22
finished 107:13
  283:16
firm 9:24 10:14
first 10:24 16:16
  19:14 26:22 48:14
  49:8 75:16 84:23
  87:11 117:24
  118:4 126:8 135:3
  138:19 153:20
  167:12 195:18
  215:25 216:22

230:3 232:15,20
232:23 233:3
235:15,15,16
237:2 249:4,11
250:22 270:20
282:12 288:11
306:23 317:4
320:2 330:23
fishing 140:3
  315:8
fit 126:15 328:19
five 93:23 197:17
  197:19 304:25
  305:4,5
flag 208:20
flat 184:20
flip 17:2 118:5
  205:8 242:16
flipped 191:24
flow 125:19 155:6
  156:22,25 157:2,3
  157:7,20 186:1
flows 156:21
focus 325:21 330:9
focused 142:21
folks 100:16,19
  159:7 160:15
  173:1 314:7,8,9
follow 7:13 195:6
following 195:18
follows 10:25
  143:22 144:8
foot 23:13 64:14
footnote 79:3,17
footprints 7:9
  300:2,3,12
forecast 192:10
forefront 12:25
foregoing 333:3
  334:13

[form - go]   Page 20

form 43:9 44:3 48:12 103:4 105:5 108:19 109:7 110:4,20 127:2 146:7 181:6 182:23 183:19,21 195:8 202:23 213:18 217:17 224:18 225:3 249:7 251:4 276:18 294:14 298:7 326:5 334:12	88:20 96:11 97:5 100:20 104:1 112:24 114:5 116:14 136:21 138:3 151:6 211:5 250:24 259:17 264:19 269:2,11 285:25 300:19	230:11 306:12 310:17 329:23 330:16	172:7,9 173:11 204:16,18,23 227:10 232:16 248:24 264:3 284:25 290:3 312:13,15

form 43:9 44:3
48:12 103:4 105:5
108:19 109:7
110:4,20 127:2
146:7 181:6
182:23 183:19,21
195:8 202:23
213:18 217:17
224:18 225:3
249:7 251:4
276:18 294:14
298:7 326:5
334:12
formal 312:23
format 47:23
95:23 187:14
190:22 257:2
262:20 291:3
formatted 283:4
former 144:25
forms 251:7
formulate 318:22
forth 105:24
110:15
fortunately 122:5
forward 251:6
325:1
forwarded 278:3
298:21
forwarding
287:14
found 32:1 200:20
260:4
foundation 34:18
35:19 37:13,24
39:2 42:20 43:1
43:19 52:14 57:19
62:21 63:19 68:5
68:23 69:13,23
71:1 73:11 74:4
81:3,21 82:9

88:20 96:11 97:5
100:20 104:1
112:24 114:5
116:14 136:21
138:3 151:6 211:5
250:24 259:17
264:19 269:2,11
285:25 300:19
foundational 14:7
four 304:25
322:20 324:12
fourth 218:7
frame 61:14
202:10 228:5
francisco 2:11
franklin 2:10
fraud 168:11
fraudulent 169:20
169:22 170:1
frc 4:17 6:5,9
135:20 320:15
fred 101:16 157:5
fremont 120:11,15
121:3,8 162:22
frequent 83:10
237:25
frequently 52:9
67:8 83:5,6
105:11
friday 241:16
242:3,5,6,9,11
front 62:13 126:7
153:8,10 306:23
full 177:5 232:16
fully 13:19 135:10
135:11,13
functional 124:18
further 73:1
101:21 116:3
133:12 145:7
181:9 223:13

230:11 306:12
310:17 329:23
330:16
future 329:11
330:11
fw 4:4,17,20 7:1,3
fyi 145:4

g

g 9:1
gaining 179:2
geez 140:16 143:3
general 13:12
26:25 46:12 95:2
generally 32:11,13
232:8 243:21
328:3
generate 94:14
128:18
generated 129:2,3
147:9 202:1 233:9
266:23 272:3,6
293:21
generates 177:4
generating 92:5
94:10,12
gentleman 266:15
geographic 33:22
108:7 112:10,17
getting 58:15
77:21 119:17
148:11 182:16
226:18,18 237:10
273:19 315:21
324:7,20
gibson 2:17 10:17
10:18
gibsondunn.com
2:20
give 11:9 25:2
54:15,25 77:1
120:21 130:16

172:7,9 173:11
204:16,18,23
227:10 232:16
248:24 264:3
284:25 290:3
312:13,15
given 73:3,15
77:20 213:4
331:22
gives 123:1 171:23
260:1
giving 16:7 213:22
223:24 234:6,9
glad 120:19,19
glance 234:15
go 9:11 14:12 17:5
17:13,19 18:1,9,16
22:8 29:7 35:4
36:18 40:6,6,17
41:13 43:22 47:10
47:12 48:25 51:19
53:2 64:17 68:10
69:17 73:1,25
75:15 78:5,17,18
79:3 81:7,8 82:24
83:24 84:1,8
85:22 87:3,20
91:14 95:8,24
96:17 97:12 98:10
98:23 100:2 104:5
106:3 107:22,23
113:2 114:24
117:18 121:24
123:12,17 124:10
125:15,25 127:10
129:18,24 133:12
134:8,24 136:25
141:4 151:16
152:6 153:2,15
154:12,24 155:11
155:14 156:1,19

158:1 166:6,23
167:24 168:8,9
169:10 172:15
173:18,20 174:10
176:10,19 178:7
180:9 181:13
182:19 184:18
185:5 186:10,16
187:2,5,9,11 188:9
188:17,18 190:19
191:7,15 193:13
193:15,22 195:17
200:18 201:11
205:8,9,16,16,20
205:20 206:1,8
208:23,25 212:20
214:22 215:15
218:3 219:13,15
219:17 220:15
223:13,14 228:21
228:23 232:3
233:5,5 234:12,13
235:13,14,19
236:9 245:21
250:12 252:6
253:7 254:1 255:4
255:16 258:1
260:25 261:6,13
261:15 267:1,4,7
267:21,22 268:1
269:20,22 270:2,9
270:14,20 280:11
282:1,15 283:20
284:8 285:16
287:23,24 288:9
288:10,22 289:3
289:15 290:6,19
292:2,24 299:18
303:8 304:6 305:1
306:13 307:13
310:2,16,24,24

311:15,16 316:24
318:23 319:8
320:8,10,10 321:2
321:7,11 323:2,5,8
325:2 326:22
327:2 330:1
goal 14:8
god 204:8
goes 183:5 207:1
221:5 252:20
262:17 274:8
287:20 293:23
going 9:4 13:19
17:3 18:2 19:15
22:12 26:23 33:15
35:6 40:17,17
45:22 47:6,24
48:23 56:12 60:8
60:13 63:12,21
81:7,12 83:15
84:11,24 89:5
90:5 91:14 93:10
93:17 99:21
105:24 110:13
115:20 120:13,21
123:17 132:18
139:25 140:15,25
141:1,2 142:17,22
142:23 143:5,20
143:25 144:11
148:11 154:7,9
155:8,16 157:12
161:21,24,25
163:9 170:10
176:19 183:13
184:6 185:4,4
190:10 193:17
203:3 204:4,11
205:8 208:20
209:2 219:6,20
220:2,13 225:24

227:1,9 228:24
233:5 234:13
244:7,23 256:10
258:3 261:6,17
262:6 263:17
264:17,25 265:13
266:8 273:24
274:7 278:24
279:8 285:18
287:3,24 289:3
290:2 293:1
299:15 301:9
305:8 307:6 315:9
317:24 319:24
322:18,20 323:4
323:10 324:2,3,7
324:10 331:25
golden 2:3 10:8,10
10:11 159:7,10,18
159:20 160:1
good 9:3 10:13
11:3,19 18:18
90:10 122:8
133:13 155:22
gosh 159:4
governance 6:7
237:20,25 238:8
251:20,21 253:20
253:23,24
government 224:7
grand 2:18 245:6
245:10 265:12
graph 87:23 88:16
181:19 182:2,10
182:20,21 183:5
293:25 298:13
310:18,20,21
graphs 181:17,20
great 142:4 155:13
289:6

greatest 235:9
gregory 2:3 10:8
10:10,11
gross 219:1,7
220:12 222:3
233:9
grounds 93:11
group 2:9 10:12
158:11 177:24
178:2
groups 145:19,23
147:4,5,5 310:4
329:21
grow 329:12
growth 329:10
guess 52:2 68:7,19
99:12,25 102:7
130:19 134:4
170:7 190:9,10
191:23 197:16,22
202:3,4 204:8
207:3 258:19
267:20 274:7
283:24,25 284:3
295:20,23 314:17
guessing 277:14
guidelines 5:9
guys 120:20

h

h 70:12
h0015 6:13 34:17
34:22 35:1 39:19
63:2 73:10,18
80:24 89:6,25
96:9 97:23 98:3
169:17 182:11
222:22 223:2
259:23 286:24
haben 228:12,13
228:15 229:5,18

255:7,21 265:10
270:7 289:7 298:2
304:11 313:11
322:18
humana 316:11
hunt 46:20
hunting 154:13
hypothetical
218:24 302:20
326:13

i

i.e. 288:4
idea 78:23 83:9
102:3 224:4
225:11 283:22
307:4 322:2 324:5
ideas 129:19,22
174:11 224:16,24
224:25 225:10
ideation 6:6
identified 3:9
16:17 18:14,23
44:9 47:14 60:5
64:19 81:10 83:1
91:16 95:9 98:24
104:9 117:19
123:14 124:12
126:1 127:12
130:1 134:9 137:1
152:11 166:24
171:14 178:8
180:11 183:25
185:6 189:18
191:16 193:24
196:13 208:8
209:9 212:22
232:4 236:12
245:24 246:25
247:19 252:7
253:8 255:17
256:13 258:4

261:1,25 270:3,15
271:8 282:16
284:9 287:5
288:24 292:4
293:7 299:19
303:10 305:17
306:14 311:17
319:16 322:16
329:25
identify 17:3
169:2
iii 170:15
illustrates 75:16
imagine 47:4
123:10 221:3
239:9
impact 139:15
140:10,12 144:23
145:8,20 146:5,16
148:7 151:24
211:18 214:5
238:22 249:18,19
impacting 148:8
148:14
impacts 138:24
139:5 145:22
151:24 238:25
245:3
impart 231:2
implement 278:14
implemented
105:13 106:7
128:23 129:7,8,10
129:14 238:22
247:7 309:21
implementing
126:25 129:4
234:6,7
importance 162:4
important 110:17
162:3 245:22

impose 45:1
improper 168:11
improperly
168:15
inaccurate 157:8
inception 166:5
include 132:3
included 102:22
252:13
includes 36:21
318:6
including 10:2
33:21 51:16,17,17
162:1
incorporates 37:4
increase 214:14,19
214:19
incremental 94:23
94:23 177:5
234:21
indemnification
32:1 33:8
indemnified 31:23
32:6 33:4
index 3:1
indicate 123:3
indicated 89:23
211:24
indicates 274:10
327:3
indicating 63:5
indicator 78:19
89:15 131:19
179:13 192:15
indicators 79:6,12
96:7,10,18
individual 14:4
70:14,22 167:5
282:13 319:14
individually 16:9

individuals 28:18
29:1,3 46:16
65:16 258:9
industries 158:9
industry 158:9
inform 216:8
information 25:16
25:21 27:10 28:8
28:12 30:7 38:8
59:1,13,17,20,25
82:4,5 122:1
145:14 156:5
176:9 198:19
199:14 201:13
223:24 224:6,11
226:12 227:3,19
227:20 232:19
248:24 262:19
263:22 273:12,20
274:12 277:19,25
278:3,13 279:1
283:2,4 290:5
320:17
informed 56:17,25
58:9 298:24
informing 279:23
280:14
informs 309:19
310:8
ingenix 69:19,21
70:24 71:8,15,18
71:23 72:3,5,15,22
259:13 308:7
initiating 240:7
initiation 4:1 5:3
124:23 178:23
251:9
initiative 92:5
94:10 129:13
136:19 238:17
239:23

initiatives 4:18 5:10,19 134:17 190:3 213:11,16 225:23 226:19,19 226:22 233:12 234:17 237:22 247:8 290:23	**intent** 74:10 **interested** 10:1 235:19 334:18 **interesting** 206:7 **internal** 85:13,21 262:22 272:18 281:22	306:5 318:6 **irrelevant** 140:20 142:24,24 143:6 152:2 **isight** 7:11 83:17 106:7 120:11,14 132:1 133:20	**jerry** 2:22 9:21 **jk.pptx** 7:17 **joanna** 255:25 **job** 225:21 **john** 228:12,13,15 229:5,18,22
inpatient 13:3 22:6,7 24:5,20 88:11 89:19 179:10 282:8	**internally** 240:25 **internet** 9:7 **interrogatories** 3:13 25:6,22 26:15	179:1,12 180:2 222:6 269:23 304:2,8,12,15,16 304:16,19,20 306:11	**johnson** 213:6 287:10 **joined** 10:9,17 **jolene** 29:11,22,25 106:4 130:12
input 248:17 250:18	**interrogatory** 26:14,18,19,21	**issue** 26:3 47:7 72:9 89:6 93:18	131:15 132:19 252:13 299:25
inquiries 25:25 58:12 67:20	33:13,19 35:5 36:2,5,11,13 40:7	143:15 156:7 211:17 235:14	302:8 306:24 307:20
inquiry 41:19,19 **inside** 126:8	40:11 43:22 67:7 **interrupt** 155:5	276:25 323:8 **issues** 12:18 32:11	**jr** 2:13 181:10,11 185:25
installing 322:17 324:25	200:8 **introduced** 155:23	208:15 **italics** 101:22	**judge** 13:14 **judgment** 32:14
instance 98:3 295:2 297:21	**invite** 158:24 **involve** 293:22	**item** 6:4,6 126:8 255:12	32:17,23 33:1 **july** 1:23 8:6 9:5
instances 219:11 295:16,17	**involved** 12:23 13:2 65:17 134:22	**items** 6:7 237:23 **ix** 267:4,14,18	40:21 **jump** 40:8 84:24
instruct 140:25 142:4,25 161:21	166:8 178:4 188:14 204:12,14		245:23
instructed 7:23 162:24	279:2,3 291:19 297:23 298:6,9	**j**	**june** 3:25 4:3 5:7 5:19,23 65:10
instructions 162:20	300:25 **involvement**	**j** 2:10,13 **jacqueline** 1:22	86:3,5,19 88:18 95:18,25 98:14,21
insulting 315:12	186:22	3:4 8:4 9:14 10:23 11:5 248:13	99:14 101:13 184:17 192:8
insurance 1:10 9:16 119:4	**involving** 295:5 301:6 322:9	271:23 294:6,8 331:22 333:1,12	236:20,21 **jury** 13:14
insured 135:10,12 135:14	**iop** 40:14 112:23 **ipr** 4:15 5:12 6:22	**jane** 184:15 **january** 17:21	**k**
integral 139:1	6:24 51:24 107:20	33:24 36:16 40:13	**k** 11:8 272:23
integrity 159:8 **intense** 156:5	131:17 132:22 179:1,9,11 180:1	75:24 247:22 265:5,13 266:22	**kaiser** 316:11 **karen** 180:22,24
intensive 33:23 34:10 36:15 169:17	181:12 192:9,17 252:23 273:7 283:10 300:23	273:7 282:6 317:24 **jeff** 313:6 **jennifer** 8:7 9:23 334:3,22	180:25 **kathy** 40:19 41:7 43:23 56:13 57:25 61:10,11,24 65:20 68:7 116:1 187:1

[king - know]   Page 26

249:25 250:6,24	**knocked** 84:2,3	120:12 121:7,17	224:23,24,25
251:16 252:17	**know** 12:1,25 13:2	122:14 124:3,6,7	225:6 226:10,21
254:17 257:7,9,17	13:5,11 14:12	125:22 126:12,25	228:12,15 229:5,8
258:24 259:6,11	16:6 19:2 22:23	129:17 131:21	229:10,18,24
259:17 260:10,16	23:4,7,12 24:17,18	132:13,23 135:3	231:22 233:13
261:9,11 262:2	24:19,20,23 25:14	135:16 136:15,18	234:14,25 235:12
264:19 269:1,11	25:19,23 28:23	138:9,12 139:22	235:24 237:13
270:22,24 271:2	29:18 30:6 31:21	140:5,8 141:22	242:22 247:9
274:2,20 275:25	32:3 33:10,12,14	142:8,13,14,20	248:15 249:4,14
276:18 277:10,21	33:25 34:20 37:17	143:12,13 145:8	250:17 251:24
278:4,17 279:13	37:21 38:3,11,23	145:22 147:10,13	252:1 254:5,14,19
279:25 280:24	39:1,4,10 40:4	147:25 148:6	254:23 255:8,24
281:5,18 283:13	42:8 45:20 46:6	149:17 151:22	258:1,17 259:4,16
283:15 284:2,10	46:25 50:2,16,19	152:8 153:11	259:19 260:8,14
284:14,16,19	52:18 55:16 56:13	154:13 157:3	260:23 261:2
285:25 286:9,15	56:16,25 58:8,18	158:5 159:6 160:7	263:10,18,20,20
289:14 290:21	59:6 61:18,20	160:15 161:10,13	264:22 266:6,24
291:15 292:12,16	62:20 64:7,9,14	161:19 162:7	267:14,17,18
292:19 294:14	65:11,13,14,24	167:19 170:11	268:22 269:5
295:6,22 296:5	66:12 67:5 68:19	172:25 173:19,20	277:16 279:18,18
297:7,9,25 298:7	69:11,21 71:7	173:23 174:3,15	279:19,19 281:9
298:17 299:3,10	72:3,5,8,22,23,24	174:21 175:12,14	281:10,16,24
300:18 302:4,10	73:9,17,22 74:9	177:9,15 179:21	283:12,23 284:3
302:20 303:5,14	75:3,6,8 76:1,19	180:2,6,7 181:21	286:23 290:6,13
304:1 305:4,6	79:22 80:5,10,14	183:14 186:6	291:16,16,18
306:18 307:6,16	80:21 81:8,19,22	187:7,17,19,21,23	293:13 294:7,8
307:24 308:5	83:3,4,6,6 85:22	189:7 190:18	297:17,20,24
309:11,16,23	85:25 86:4 87:4	191:8,9 192:3	300:12,14,24
310:1,12 314:24	89:2,24 90:16	194:13 195:22	301:1,4,5,9,12
315:4,8,15,20,23	91:21 92:2,8	196:8,22 197:3	302:14,17 306:10
316:3,18 317:7,11	95:23,25 96:9	198:13 199:7,10	307:22 309:19
317:14 319:10,12	97:7,9,11 99:21	199:12 200:11	310:10,11,14,20
321:24 322:4,11	100:14,16,19	201:1,4 202:9,18	311:10 312:4,5
322:25 323:5,18	101:6,12,19 102:8	202:25 206:15	314:5,12,17
324:4,6,10,20	102:25 103:10,11	208:24,24 209:19	315:11,12 318:19
325:5 326:5,12	103:17,22,23	210:3,10,13 211:7	319:1,23 320:24
327:9,19,22 328:6	105:11,17 106:13	211:10,10,21	321:23 323:23
328:8 329:4 330:3	108:9,23 109:13	214:1 216:7	324:10,13,24
330:13,18,21	110:8 111:8,18	217:12 219:8	325:22 329:22
331:13	112:20 113:4,10	220:12,20 221:6	330:8 331:20
	114:8,22 115:3	222:1 224:14,15	

knowledge 16:11
27:24 28:3 39:18
43:25 58:10,14
62:23 71:4 77:14
77:20 101:8
105:21 221:4
222:21 223:2
228:3 229:20
299:11 309:2
310:7

known 164:1

knows 291:15

l

l 2:18 8:7 11:8
272:23 334:3,22

la 2:15

lack 42:20 57:19
62:21 81:3 97:5
114:4 136:20
138:2 269:2

lag 273:3

laguna 163:5
325:18

lamaster 246:9
247:22,25

landscape 83:9

lane 11:11

language 7:12
27:17 28:24 30:12
30:20 104:23,24
105:3,16,19,19
106:5,6,8 107:25
108:2,10,17,23
110:2,7,11,12,13
110:18 111:2,12
111:16,18 112:3
113:7 115:1 116:5
116:25 117:2
123:6,6 303:23
311:6

laptop 184:12

large 3:23 82:12
162:1 234:25

largest 162:12,15

larson 313:13,14

late 20:17 103:3
220:22 285:18

latest 145:5

lavin 2:4 3:5 10:7
10:7 11:2 12:16
12:17 16:1,15,19
18:21 19:1 22:10
23:15,21 24:3,6
25:19 26:11,12
27:6 28:2,14
29:10 30:8,16,23
31:8,18 32:5,9,22
34:21 35:22 36:10
37:20 38:2,9 39:6
39:16,24 40:5
41:1,9 42:5,23
43:6,15,21 44:7,10
45:2,3,11 46:15
47:3,8,9,16,22
48:7 49:22 51:2,5
51:14 52:6,8,17
54:9,23 56:15,22
57:5,11 58:1,17,24
59:8,19,24 60:3,6
60:12,16 61:15
63:1,15,23 64:6,17
64:20 65:8 66:17
66:24 69:6,16
70:1,6,19 71:6,13
71:20 72:1,11,21
73:14,24 74:7,24
75:5,14 76:13,21
77:9,13,25 78:7,10
78:16 79:2,21
80:6,13,20 81:6,11
82:1,13,17 83:2

84:8,18 87:2,9,19
88:2,7,13 89:1,13
90:10,12,20 91:8
91:17 93:15,21,25
94:5,8,19 95:1,10
96:16 97:10 98:9
99:1 100:18,24
102:14,21 103:7
103:16,21 104:4
104:10 105:10
106:15 107:14
108:22 109:4,12
109:20 110:10
111:1,11 112:1
113:5,19,24 114:7
114:17,23 115:23
116:18 117:7,15
117:20 119:1,16
119:18,22 120:1,4
120:9,13,18,24
121:11,14,16
122:7,18 123:11
123:15 124:13
126:2 127:5,13
130:2,7 131:8
132:20 133:4
134:2,10 136:8,14
136:24 137:2
138:5,11,17,24
139:6,13,20 140:4
140:6,14,18,23
141:3,5,9,18,22,25
142:2,13 143:2,4,9
143:12,19 144:16
145:2,3 146:2,12
146:15,24 147:22
148:3 149:8,10,16
150:16 151:9,14
152:4,12,16,18
153:1,4,6 154:9,15
154:17,23 155:3,9

155:14,21 156:17
156:18 159:2,9
160:17 161:3,23
162:3,10,14,19
163:1,2 164:15
165:22 166:6,11
167:1,11 168:5,7
170:13,17 171:8
171:15 173:10
174:8,9,21 175:1,7
176:22,23 177:2
178:9 179:19
180:12,18,21
181:8 182:9,15
183:1,18,24 184:1
184:8 185:8,13,20
186:12 188:7,8
189:19 190:12
191:5,17 192:2
193:11,15,22
194:1,21 195:5,12
195:24 196:3,14
198:24 199:21
200:7,12,15,17,20
200:25 201:7,13
201:21 202:11,12
203:4,24 205:1,3
205:15,20 206:1,3
206:7,13,14,22,25
207:5,8,9,22,25
208:3,5,9,19,22
209:7,12 210:15
210:19,23,24
211:9,22 212:7,14
212:20,23 213:24
214:13,21 215:1,9
216:11,23 217:5,6
217:21 218:2,19
219:3,17 220:1,14
221:1,16,23
222:12,20 223:1,7

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

[lavin - logic]   Page 28

223:12 224:2,22	302:23 303:7,12	170:11 171:5	137:11 244:1
225:8 226:2	303:15,16 304:5	200:4 331:24	259:23 262:12
227:13,21 228:6	305:5,14,18	**legitimate** 183:14	265:4,12 266:21
228:10,11,23	306:15,19,20	**lesser** 93:6	268:16,20 317:23
229:4 230:22	307:9,12,17,19	**letter** 7:15 115:13	**lisa** 246:9 247:22
231:8,14 232:2,5	308:2,10 309:14	135:19,23 136:2,2	247:25
234:11 236:17	309:17,18,25	136:9 187:13,15	**list** 7:20 239:18
237:16,24 239:7	310:5,15 311:19	187:17 188:10,13	277:4,20 279:22
239:13,20 240:13	315:2,6,11,18,21	189:13 274:4,6,8	**listed** 275:4,16
240:20,23 241:7	315:24 316:6,21	274:12,13 279:22	**listen** 101:14
241:11,15,20	317:9,16 319:11	280:6,7,14 310:25	**lists** 79:11 282:19
242:1 243:1,9,15	319:14,17 322:1,7	311:12 320:15,18	**litigation** 44:18
243:16 244:12	322:14,21,23	**letters** 115:18,25	45:24 46:2 47:21
245:2,7 246:1	323:3,7,15,20	135:20 188:14	120:11 121:8
247:1,20 248:8	324:8,18,23 325:2	254:4,9,24 255:1	141:12,21 142:22
249:13 250:2,3,8	325:7,10,15,16	311:7	293:22 300:16
251:3,22 252:8,24	326:8,15 327:15	**letting** 213:25	301:2 315:16
253:9 255:2,18	328:1,7,10,14	**level** 23:13 24:18	329:5
256:14 257:14,22	329:1,8,22 330:1,5	34:8 37:10 53:24	**little** 13:11 19:3
258:6 259:3,9,14	330:7,16 331:9,18	74:6 75:3 76:6,19	27:25 87:12,22
259:21 260:13,24	**law** 2:9 10:12,14	79:8,19 80:12,15	124:22 166:1
261:2,10,15,22	**lawsuit** 140:3	80:19,25 85:6	223:13 261:7
262:3 264:24	147:21 294:4,21	96:19 105:25	266:3 272:15
265:2 269:8,14	295:4,12 296:16	108:6 130:23	275:2 279:9
270:4,16,19 271:3	296:23 315:5,9	131:7,7,10,10	310:16 318:11
271:6,9,10 273:16	**lawsuits** 293:16	132:9,11,15 157:1	**liz** 48:15 49:3
274:5,24 276:4,21	296:10,13 298:21	157:5,19 178:19	**llc** 300:2,3
277:15 278:1,10	**lawyer** 65:19	188:5 203:13	**llp** 2:3
278:19,20 279:16	**layman's** 62:8	204:24 230:14	**loaded** 260:1
280:4 281:1,8,21	**ld** 1:5 2:3 9:15	240:10 257:21	329:23
282:17 283:17	**lead** 201:3	259:19 279:20	**local** 76:6 79:24
284:5,12,15,17,20	**leaders** 316:5	282:11 288:4	80:11,25 96:24
286:5,12,19 287:6	**leadership** 7:17	**levels** 131:18	291:13,18,20
289:1,19 290:22	204:3 312:22	**liability** 30:18	**located** 172:18
291:1,21 292:6,15	313:3,5	31:23	**location** 9:20
292:18,21 293:6,8	**learn** 138:19	**light** 141:2 284:17	163:3
294:18 295:10	**left** 61:21,21,25	**likewise** 156:19	**locations** 160:15
296:1,8 297:8,12	81:16 101:6	**limited** 16:10,11	**log** 46:24 212:15
298:3,4,11,20	**legal** 9:22,24 26:6	**line** 7:24 36:18,19	**logic** 3:25 132:6
299:7,17,20 301:3	36:7 44:24 46:7,8	41:17 51:24 75:20	288:5
301:9,11 302:6,15	46:17 61:6 65:14	93:10 99:15,18	

Veritext Legal Solutions

[logo - marjorie]   Page 29

logo   247:6
logoed   150:3,5
long   13:5 15:3
  19:11,14,20 49:6
  50:7 54:6 61:16
  68:3 106:14 111:8
  111:9 129:16
  142:6 164:1 197:8
  200:7 249:10
  264:22 293:14,17
  331:20
longer   101:4 229:5
  273:24 280:15
longstanding
  129:21
look   17:15 25:1,3
  26:13,17,18 33:13
  33:14 35:4 36:11
  40:7 47:13,17
  49:8 64:21 83:13
  84:21 85:2 87:22
  87:23 88:21 89:14
  90:21 92:4,17
  94:9 96:2,5,24,25
  101:21 111:24
  116:3,19 117:22
  118:16 120:21
  122:19 126:8
  127:22 128:16,24
  131:14 135:19
  137:9,10 140:16
  143:11 145:7
  148:23 153:12
  166:1 167:2
  170:18 175:17
  176:10 181:9,13
  181:18 182:20
  185:14 190:13,20
  197:22 199:12
  200:18 201:16
  202:16 208:4

210:5,8 216:3,9
222:1 230:11
240:14 247:7,10
250:12 256:12
257:4,6 261:24
264:6 265:3,11,21
266:2,20,22
267:19 268:19
271:11 272:15
275:7 276:2
278:23 279:5
280:12 287:19,25
289:2 293:6 303:1
303:13 304:9
305:15 306:12
307:14 311:4,8
317:23 321:5,10
325:22 330:2
looked   35:7 67:2,6
  89:6 92:14 95:21
  124:4,22 126:16
  127:8 168:2,2
  191:25 199:22
  235:16 268:6
  290:7 291:4
  303:22 310:22
looking   41:16 50:5
  75:22 83:3 85:18
  96:6 129:23
  137:16 145:1,2,15
  157:11 158:2
  173:4,8 174:6
  175:21 176:2
  178:25 179:7,8
  184:15 185:11
  192:5 212:5 214:3
  214:10 225:17,18
  225:18 242:15,21
  244:11,16 250:16
  255:11 264:2
  265:3 266:9 267:3

268:16 273:13
275:5 278:6
283:21 287:13
288:10,16 291:2
291:24,25 292:10
292:12 300:4
327:1 329:12,14
looks   53:7 60:23
  63:11 80:12,18
  85:8 87:17 106:17
  118:11 129:5
  130:12 137:16
  178:22 186:6
  194:12 196:5
  206:23 212:5
  248:23 249:3
  255:9,11,25
  256:18 257:12
  282:25 287:16
  311:2
lopez   29:2,9,22,23
  29:25 252:11
  302:9 306:25
  307:21
lori   61:18,20
los   2:19
lose   147:4,5
lost   83:21,23,23,25
  191:22
lot   14:5,10 46:19
  58:9 60:8,9 83:16
  93:18 94:1 97:20
  101:8 106:16,21
  109:5 147:12
  148:10 177:13
  178:17 215:13
  235:11 239:14
  273:6 319:23
  331:20
lots   141:12,12

low   244:20
lower   83:20 92:7
  176:14 224:8
  248:17,24
lowering   292:1
lowest   235:9
luck   328:23
lunch   155:9

m

m   2:4 78:19 79:13
  96:18 233:6
ma'am   11:3
mac   78:20,23
maintain   298:21
maintained   190:5
making   13:4
  197:22
manage   225:5
  241:3 314:18,19
  314:20,20
managed   132:11
  221:2
management
  19:10,19 92:1
  131:25 204:13
  255:5
manager   77:10
  134:17 178:21
  204:17,20 224:15
  240:6,8 256:1
managers   239:17
  316:17
manages   190:3
managing   227:22
march   5:22 92:8
  172:6,8,12 173:4
  207:13,15 232:15
  259:24 292:9
  294:13
marjorie   46:9,13
  65:18,19

mark 20:20,22	**matt.lavin** 2:7	210:5 214:14	75:9,11 108:8
29:18,19,21	**matter** 9:15 12:2	216:24 217:13	112:22 113:10,12
105:24 106:4	15:10 37:15 40:20	218:8 219:10	114:1,2,19 285:15
130:9 133:13	44:23 46:24 74:20	220:11 224:17	286:14,25 287:18
134:16,23 144:24	77:4 95:2 120:20	225:12 228:8	**meet** 14:23 15:3,6
190:2,11 191:14	215:14 227:5	230:15 239:2	86:25 125:5,10
204:20,21 247:23	**matters** 334:9	240:5,5 244:4,19	160:18,20 163:18
248:13 251:11	**matthew** 2:4	248:16,22 249:9	164:7 191:6,9,10
252:11 270:9	180:23 181:13	249:20 257:19	203:5,22,23 204:1
291:5 301:20,25	185:25	266:10 269:4	226:13 228:2
302:19 306:24	**maximum** 56:1	273:17 275:24	238:7 247:13
307:21 312:7	281:13	278:18 279:18	290:1,4 306:7
320:3,21 321:6,14	**mays** 46:20	283:24 288:15	**meeting** 5:5 6:1,3
331:3,5,15	**mcettrick** 65:24	293:13 302:4	6:8,10 7:7,17,20
marked 261:24	66:2,5	305:24 314:1	7:22 11:15 45:21
marketing 21:5,11	**mean** 12:24 28:21	316:10 319:3,3	158:6,7,8,20,23
82:14,18,19	30:5 31:4,20,20	**meaning** 192:22	159:1 160:19,19
104:18 108:12	37:17,25 38:12	**means** 42:1 49:14	163:4,6,9,20 165:1
marketplace	42:10,12 45:16	53:22 62:4 113:8	165:4 203:15,17
174:12	49:13 50:16 52:11	132:13,23 134:3	233:2,3 236:25
matt 10:7 12:14	52:11,18,21 53:21	180:3 230:19	237:21 238:8
26:3,24 28:1	54:14 58:1 63:11	231:22 258:22	240:25 241:1
32:21 40:18 47:18	63:12 68:2 76:8	259:2 288:7	242:8 246:7,9,11
66:22 78:5 84:5	76:15 78:11 83:5	297:25	246:12,20,21
90:5 94:4,17	88:17,21 93:22,22	**meant** 188:6 217:7	247:5 251:20,21
103:18,18 120:20	94:12 97:16 99:17	230:15 248:4	252:2,3 253:15,16
138:23 140:2	103:25 106:12	**mechanism** 69:24	253:23,24 291:4
141:24 142:9,19	107:5 120:24	**media** 9:13 84:10	293:15 312:2,3,6,7
147:21 154:8,25	128:14 133:5	155:15,20 193:16	312:22 313:1,4
156:14 159:1	134:4 140:2 143:5	193:21 219:19,23	316:16 325:11,18
162:9 170:12	144:14 145:23	261:16,20 305:8	325:19,21
174:4 191:22	146:5,17 147:12	305:12 331:23	**meetings** 67:24,25
193:10 200:3	150:5 153:25	**medica** 177:7,8,9	139:14,17 160:24
201:2 206:18	154:7,18,20	177:10	161:1 163:12,14
217:4 219:13	157:18,18 160:14	**medical** 5:5	163:16 164:12,13
241:19 243:6	162:5,19 164:14	168:15 175:18,23	164:14,16,17,18
278:17 304:2	167:20 169:11,18	304:10,13	164:24 172:15
315:15 317:7	170:15,16 175:21	**medicare** 38:25	203:18 204:2,3
325:13 328:9	178:17 192:4	39:5,10 68:16,21	226:15,17 233:2
330:21 331:17	194:7 198:2 202:9	68:22 69:4,8,10,11	237:5,11,12,21
	202:15 204:1	74:2,11,12,18 75:1	238:1,13,18,20

241:2,2,5 246:19
253:20 256:6
289:17,20 318:19
member   41:16,18
41:22 42:9,12,13
55:20 57:6 59:9
110:8 115:13
116:6,12 132:12
195:20 327:11
328:12
members   42:17,25
43:8,10,16 56:8,16
58:20 115:5
158:10 168:13
170:21 171:3
membership   4:20
137:12 145:16
146:18,22 147:3
150:8
memory   201:16
mental   17:21 58:4
58:5 194:8
mentioned   159:10
175:8 264:13
273:6 301:13
309:3
message   109:22
112:6 116:4 117:8
324:7
messages   109:23
met   11:20 51:23
204:5 228:16
229:16,25 230:2,4
241:12
methodology   3:22
23:4,7,11,12 26:1
58:12 63:13 65:3
74:13 77:22,23
99:22,23 109:11
109:15 163:11
230:20 231:7

294:5 311:1,14
326:3,10 328:16
metric   87:21
michael   65:24
66:2,5 229:14,16
229:19,21,25
230:9 266:16,17
270:8 313:9,10
middle   65:11 92:4
149:14
mike   258:10,11
259:22,24
million   73:4
128:18 144:23
145:8 146:5,5,11
146:13,14,16,17
177:5 202:5 218:8
234:21,22 235:1
318:2
millions   265:6,8
265:18,19 317:25
mind   13:15
mine   206:25
322:25 324:21
minimum   51:20
51:20,25 52:1,3
minneapolis
172:16
minute   84:9 167:2
261:6 289:2
minutes   305:1
322:20 324:12,22
324:23
mischaracterizes
328:6
missed   18:19
135:24
missing   3:19 60:19
60:25 62:2,11,12
205:25 206:24

misspoke   33:5
mix   209:1
mnrp   275:8
276:17 280:18,23
281:12
modiano   2:5 10:10
modified   49:1
53:7,21,22 54:7
module   4:3,10 7:5
123:24
mohler   162:22
312:5,10
mohler's   108:13
331:7
moment   270:18
momentarily
328:24
money   32:15
198:14 201:25
month   198:15
201:25 202:6,13
218:21 244:4,21
262:12 263:11,17
265:9
monthly   198:4,9
198:25 199:16,17
199:22 200:12
201:22 203:6
257:4 262:13
268:13 331:11
months   264:16,17
morning   9:3 10:13
11:3 113:15,16
moss   181:10,11
185:25
motions   47:4
mountain   9:4
84:16
move   60:8,14
81:12 91:13 98:23
121:4 143:1

171:12 183:24
185:3 196:11
208:6 225:10
246:24 247:18
251:6 257:25
309:16 324:25
moved   223:25
224:5
movie   284:19
moving   223:20
249:5 284:15,16
mpi   60:18,18
64:22,22 81:14
83:14,15,18 84:25
91:18,19 95:15,15
99:2,3 104:11
123:16,17 124:14
124:15 127:14,15
130:3 134:12
137:3 149:2
171:16,17 176:19
178:11 179:3
180:13,14 185:9
185:10,22 189:22
191:19 209:14
232:7,8 233:6
234:12 235:17
258:8,8 262:4
270:8 271:12,13
282:19 284:22,22
287:8 289:8,9
290:20 303:17,18
305:19,20 311:21
311:21 319:18,19
323:21 325:10,12
mrc   101:17
multi   134:11
157:18 275:21
multiplan   1:13,21
2:13 3:13,16 4:1
5:3,14,21 6:1,22

7:7,19 8:4 10:15
12:22 14:3 16:9
17:1 19:6,8,14,17
20:11,14,16,19
21:14,16,20 23:10
25:7,15,20 26:15
26:19 27:7,10,14
27:17,20,23 28:3,7
30:9,10,17 31:22
32:6,15,24 33:4
34:10,15 35:8,25
36:3 37:6 39:24
44:17,24 45:5
46:11,17 56:2
58:10 61:21,22
66:6,10 67:8,15,19
71:7,18 73:8,16
80:23 81:20 82:7
82:8 83:6 85:21
90:13 92:16,23
93:19 94:2,14,24
95:2 99:24 101:4
101:6 102:15
103:8,11 105:2,3
106:9 107:8
108:10 109:13
110:1,17 115:13
115:17,24 116:21
117:1,9,10 118:14
119:12,12,22
120:4,9 121:18
123:7 129:9
131:16 133:9
136:19 138:25
139:14,19,25
141:14,17 144:1
144:12,18 145:13
145:24 146:6
147:17 149:24
150:8,20 151:1,2,3
151:4,10,22

152:21 157:15
158:13,14 160:23
161:6,11,14 162:4
162:20 166:3,21
167:5 173:24
175:9,18 176:5
179:16 181:2
182:2 183:11
185:1 189:8
194:16 195:14,20
196:7,9 197:24
198:3 199:4 200:4
200:12 202:1
203:21 213:12,16
215:14 216:20
218:21 220:18
225:12 226:13
227:24 233:18
247:6 248:1,4
262:20 263:3,9,19
263:25 264:16
272:8 274:19,23
275:1,4,6,17,22
276:10,14,15
277:6 278:2,18,19
278:21 279:10,12
285:22,23 287:11
290:2 297:18
300:13 301:12,16
302:1,8 307:7
308:20 309:22
310:7,7,11 313:5
313:22 315:7
322:10 326:10,19
329:2 330:10,23
multiplan's 3:12
3:14 4:23 15:9
16:12 17:6,17,20
25:5,21 44:15
46:24 58:3 104:17
132:7 139:16

151:24 154:11
161:16,20 162:12
167:3,21 169:8
196:23 239:3
274:11 326:2
327:16
multiple 35:9
315:14
multiply 218:21
mutual 129:19,20

n

n 9:1 11:8
naa 14:19
name 9:21 11:4,6
12:10,15 70:21
72:15 83:8 181:14
185:14 190:8
195:22 196:7,8,9
229:15
named 169:14
names 46:18
164:11
naperville 172:20
172:25
national 80:18
96:25 314:7,13,15
314:16,22,25
315:3 316:3,8,13
316:15,17 321:19
nationals 7:17
native 4:18 5:16
47:23 104:12
134:13 137:4
184:3 189:21
208:11,14 256:18
305:20 319:20
nature 12:19
naviguard 137:15
137:18,19,21,23
138:6,15,18,19
139:3,7,15 140:1

140:10 144:2,13
144:18 145:11,24
151:24
near 288:3
necessarily 14:13
231:23
necessary 294:9
298:25
need 13:10 107:11
141:22 142:6,20
142:21 145:12
176:10 200:7
235:13 245:21
248:17 250:18,19
250:20,23 251:1
254:20,21,21
323:5 331:16
needed 163:24
164:10 204:10
278:14
needs 36:3 250:19
278:21
negatively 148:15
negotiate 43:14
53:14,18 54:19
56:2 121:25
280:23,25 300:24
300:25
negotiated 69:18
122:16
negotiates 166:2
negotiating 53:19
120:5 166:16
negotiation 40:13
40:16,23 42:24
43:7 56:17 57:1
57:10 58:20
132:21 188:19,22
188:25 189:2,14
255:13 275:8
276:7

negotiations 25:25
41:8 54:2 58:13
133:2 222:18
266:10 276:16,17
280:16 281:7
302:7
network 5:15 6:18
14:19 17:21 32:2
33:6 58:4 69:18
74:14 92:19 112:8
112:22 114:2
118:21 122:2,9,10
122:24 130:13,14
130:17,20,21,22
130:22,25 131:1,6
131:7,9,10,18,18
132:8 150:1,2,4,13
150:17,18,24
151:16 160:7
165:23 166:2,9,16
166:19 194:11,14
194:17 195:15
205:4,6 206:16
207:11 213:12
216:4 233:16
235:25 242:17
273:13,14,17,19
274:11,18,19,22
275:11,13 276:6,8
276:10,11 279:2,6
279:10,14,24
280:3,5,12,19
281:14
networks 149:19
149:20,24,25
298:1,6
never 44:21 73:17
81:25 128:23
129:7,8 160:20
178:4 185:2
260:18,22 283:8

new 1:13 7:22
20:8 22:18 37:5
50:2,3 172:20
214:12 224:16
226:21,21 233:11
234:6,7,10 268:21
269:6,7,10 284:11
284:12 325:20
nguyen 184:15
nicole 2:4 10:9
16:16 207:19
258:3 270:16
284:8 287:3
288:23 292:24
305:2 311:16
319:9 322:14
323:25 325:3,8,24
328:23 329:22
night 242:7
nine 197:17,17,18
197:19 314:12
nineteen 21:21
23:20
non 38:25 39:5,10
68:21 69:10
112:22 113:10
150:3,5 156:8
216:4 242:17
281:14
nonemergent
281:24
nonparticipating
38:24 39:5,11
noon 155:17
nope 18:17 119:3
178:6
normal 91:24
125:1
northern 1:2 9:17
notary 8:9 333:20
334:5,24

note 9:5 15:23
22:3 23:9,9,18
28:9 30:2,13 31:1
31:15,25 32:7
34:18 35:19 36:6
37:13,24 39:2,25
42:19 43:1 44:3
45:6 49:17 54:3
54:17 56:10 57:15
61:13 63:9,19
65:6 66:14 68:23
70:16 71:1,9
72:18 74:19 75:2
76:16 77:3 87:14
88:9,20 89:9
90:14 91:3 94:17
96:11 97:4 100:12
102:11 103:13
105:5 108:18
109:7 110:20
111:5,21 112:24
114:14 115:19
116:5 117:11
122:4 123:8 127:2
131:3 132:16
133:23 136:20
138:2 139:10
145:25 146:7,20
151:6 152:1,25
173:6 175:4
183:21 188:3
191:1 194:18
198:20 199:19
202:23 211:5
212:3 213:18
214:8,16 217:17
218:23 220:8,22
221:12,19 222:24
223:22 224:18,19
225:3,14 227:6
230:17 231:4,11

231:24 234:3
239:5 240:3,16
241:10 249:12,25
250:24 251:16
252:17 254:17
258:24 259:6
260:16 269:1,11
274:2,20 276:18
277:10,21 278:4
279:13 281:18
285:25 286:15
289:14 294:14
295:6 298:7
299:10 300:18
307:24 321:24
327:9,9,19 329:4
noted 167:8 171:5
212:19
notes 334:14
notice 3:10 8:1
14:18,18 16:25
104:15 294:3
295:4,8,12,14
notices 294:21
295:19
noticing 10:6
notified 57:10
58:19,20 280:22
notify 273:23,25
274:1,14 278:24
279:7 310:4
notifying 115:13
280:21
notion 307:8
november 6:17
320:3
number 9:18 17:2
17:19 26:14,18,19
33:14 35:5 36:11
40:7,11 43:22
44:7 47:20,23,25

[number - obtain]

Page 34

49:23 51:19 53:4
79:11 81:14 83:19
84:11 91:6,18
123:2 134:13
155:16,20 162:13
173:19 175:20
176:20,24 179:21
184:4 188:10
189:21 193:17,21
205:11 206:19,20
207:18 208:12
209:13 214:24
218:22 219:7,20
219:24 224:24
232:6 235:12
236:18 243:24
255:12 261:17,21
262:4 263:12
265:24,24,25
266:12 270:8
282:18 287:7
290:7 305:8,13
317:10,11 320:9
320:11 321:2
325:12 330:23
331:23
numbers 47:25
64:22 83:14 95:11
95:15 99:2 104:11
117:21 123:16
124:14 126:3
127:14 130:3
134:12 137:3
148:25 171:16
178:10 180:13
184:2 185:9,22
191:19 194:2
196:15 208:10
212:24 216:17
232:7 235:3 246:2
247:2,21 252:10

253:10 255:19
256:17 258:7
266:3 268:10
271:12 284:21
289:8 292:8 293:9
299:22 303:17
305:19 306:16
311:21 314:17
317:24,25 318:15
319:18 323:21
nw 2:5

o

o 9:1
oakland 1:3 9:18
oath 13:13 80:22
333:4
oaths 334:6
object 13:18 40:18
90:5 93:10 108:19
109:16 110:4
141:1,25 170:10
181:6 201:19
244:23 249:7
302:20 307:6
objected 103:18
objecting 94:17
153:1 307:11
objection 15:23
22:3 23:9,18 28:9
30:2,13 31:1,15,25
32:7 33:15 34:18
35:19 36:6 37:13
37:24 38:5 39:2
39:13,25 40:1
41:4 42:2 43:1,9
43:18 44:3 45:6
49:17 51:11 52:14
54:3,17 56:10,19
57:7,15,16 58:21
59:2,4,14,22 61:13
63:9,19,25 64:12

65:6 66:14 68:23
69:12,22 70:3,16
71:1,9 72:6,18
73:11,20 74:4,19
75:2,12 76:9,16
77:3 78:15,24
79:18 80:2,8,16
81:2,21 82:9
86:22 87:6,14
88:9,20 89:9
90:14 91:3 94:15
94:17 96:11 97:4
98:6 100:12,20
102:11,18 103:4
103:13,20,25
105:5 106:10
108:18 109:1,7
110:20 111:5,21
112:24 113:22
114:4,14,20
115:19 116:14
117:3,11 122:4,12
123:8 127:2 131:3
132:16,24 133:23
136:5,11,20 138:2
138:7,14 139:10
139:18 142:1,3,10
143:10,16 144:5
145:25 146:7,20
151:6,12 152:1,25
160:12 165:19
173:6 175:4 182:5
182:12 183:21
188:3 191:1
194:18 195:2,8
198:20 199:19
201:8,10 202:23
211:5,19 212:3,10
213:18 214:8,16
217:17 218:14,23
220:8,22,23

221:12,19 222:8
222:16,24 223:4
223:11,22 224:19
225:3,14 227:6,16
230:17 231:4,11
231:24 234:3
237:15 239:5
240:3,16 241:10
245:4 249:25
250:24 251:16
252:17 254:17
257:9,17 258:24
259:6,11,17
260:10,16,17
264:19 269:1,11
274:2,20 275:25
276:18 277:10,21
278:4 279:13,25
281:5,18 284:2
285:25 286:9,15
289:14 294:14
295:6,22 296:5
298:7,17 299:10
300:18 301:10
302:10 307:24
309:11,23 310:1
310:12 314:24
315:4 316:18
321:24 322:4,11
326:5,12 327:9,19
328:6,8 329:4
331:9
objections 3:12,14
10:4 25:5 26:22
27:1 40:8 42:19
44:15 113:14
309:25 315:13,24
objectives 94:11
178:24
obtain 36:14 42:4
42:8 92:18 94:22

[obtaining - okay]   Page 35

obtaining 41:21	14:23 15:8,15,19	112:6,20 113:20	193:22 194:4,10
obviously 45:22	16:6,23 18:17	114:8,24 115:7,24	196:1,7,19,19
58:9 225:21 248:5	20:10,23 21:2,22	116:3 117:18,25	199:7,17 201:7
266:10	22:14,23 23:4,22	118:16 120:18	202:18,21 203:8
occurrences 39:19	25:4 26:11 27:3,5	121:11 123:6,12	203:18 204:23
79:24 80:15,25	27:23 29:5,11,21	123:19 125:4,17	205:4,18 207:13
ocean 276:2,13	30:9 31:9,13	125:25 126:23	209:7,24 210:3,23
ocm 131:19,21,23	32:10 33:3,6,10,13	127:6,10,16,21,23	211:3,12,23 212:8
133:19	33:18 34:7,22,24	129:6,24 130:8,16	213:1,4,25 214:6
october 6:2 135:25	35:4 36:11,12	131:9,13 132:1,21	215:8,18,23
253:17	37:11 38:10,14,23	133:9 134:3,6,11	216:10,16 217:15
odd 89:22 221:3	39:7,10,25 40:10	134:19 135:16	218:3,20 219:9
offer 115:5 301:5	41:2,24 43:22,25	136:25 137:5	220:2,16 221:10
302:16	45:2,12 46:14,16	138:12,18,21	221:24 223:4
offered 40:14	46:22 47:3,8 48:2	141:3 143:2,8	224:3,14,23 226:7
offering 113:9	48:8,14 49:8	144:17,22 146:25	226:10 227:4,14
office 11:14	50:25 51:15 52:9	147:8,15 148:17	227:22 228:15
172:19,20,20,25	52:18,24 55:1,23	149:8,11 150:7,14	229:10,21,24
224:7	58:18 59:20 60:3	151:4,10,15,22	232:3,12 233:5
offices 172:17,18	60:15 61:20,24	153:4,13 154:15	234:12 236:8,16
172:23 173:2	63:2,16 64:17,23	154:24 155:5	238:10,24 239:25
officially 249:12	67:3,7 69:7 70:7	156:3,12,17 157:2	240:14 241:8
309:10	71:14 72:2,2	157:7 158:15	242:15,20,21
offline 236:13	73:25 74:8 75:10	159:3 161:10,16	243:2,10,12
offs 191:9	75:15 76:22 77:17	162:10 163:6,18	244:18 245:2,5,12
oftentimes 240:11	77:19 79:22 80:14	166:12,23 168:5,6	247:13 249:4
oh 46:14 47:12	80:21 81:7 82:2	168:25 169:20	250:9 251:11
65:20 85:17 99:12	82:14,23 84:22	170:4,5 171:18	253:10 254:2
118:23 125:9	85:1,4,7 86:13	172:11 173:15	255:3,19 256:9
135:11 149:15	87:3,10,20 88:4,14	174:3 175:2,8,16	257:15 258:5,7,20
183:3 185:12	89:2,14 90:3,21	176:5 177:12	259:4 260:25
186:9 198:5 204:8	91:12,20 92:2,22	178:12 180:9,18	261:9,11 262:16
205:18 215:23	93:16 95:2,13,16	180:19,22 182:16	263:18,24 264:6
248:4 250:9	95:21 97:11,19	183:3,19 184:11	264:24 265:9
256:18 262:21	98:2,10,17,20,23	184:12,22 185:3	266:2,20 267:10
264:4 270:24	99:4,7,11,14,24	185:18,23 186:14	267:13 270:1
284:12 292:10,15	100:3,8 102:8	186:16,19 187:11	271:9,15 272:3
304:3 317:6,14	103:8 104:5,14	187:14,25 188:7	273:4,9 275:15,20
322:18	105:14 106:3,19	188:15,23 189:4	276:22 277:8
okay 11:16 12:10	107:13,20,22	189:10,23 190:5	278:11 279:8,21
12:15 13:2,5,8	109:21 111:2	191:20 192:3,6	280:5 281:9,22,24

[okay - packages]   Page 36

282:3,14,15,24
283:3,18 285:1,2,6
285:9,16 286:20
289:7 290:1,24
291:2 292:5,15,18
292:24 293:11,15
293:19 294:19,21
295:3,18 296:4
297:17 298:12,15
299:18,23 300:15
301:4 303:11,25
304:3,16 305:3
306:1,2,7,19 307:4
307:9,18,20
308:19 310:23
311:5,12,15,18
312:17,19,23
314:11 315:3
316:16,22 317:12
317:15,22 318:23
319:6 320:1,12,20
321:2,4 322:8
323:21 325:24
326:1,18 328:2,22
omicron 148:9
once 37:12 110:11
198:15 212:14
220:20
ones 46:21 153:10
170:14 302:1
ongoing 134:19
online 206:5
236:14
onsite 275:1
op 175:10
open 120:17
158:12 258:5
opens 41:18
operating 102:7
102:10

operational 29:13
226:25 237:21,22
operations 7:10
61:6,8,12,17 65:15
77:18 121:25
181:11 239:18
253:22 254:13
279:3 311:8
313:17
opportunities 4:15
129:21 290:23
318:17
opportunity 67:3
224:1 250:15
291:22
opposed 70:22
330:11
opr 4:3,5,10,11,13
4:15 5:12 6:22,24
7:1,5 33:21,25
34:2,4 36:19 37:5
49:9,15,19,23 50:8
51:7,10,16,19 52:1
55:5 63:16 79:23
92:3 93:4,5 96:19
99:15,19 100:2,11
102:8,15,23
107:20 123:24
124:21 125:6
126:5 127:6 128:8
131:9,17 132:4,5
132:22 134:25
135:5 149:22
150:11,12 159:19
179:1,11 180:1
181:12,22 182:3
192:9,17,22
210:25 212:9
225:10 234:20
247:8 252:23
264:10 269:9,17

282:19 283:10
285:14 286:7,14
288:4,4,13,20
291:22 297:10,13
298:16 300:7,23
306:5 318:6,25
opt 135:1
option 52:9 177:21
255:5
options 3:18 235:7
optum 72:16,24
order 53:24 86:25
305:2
ordinary 190:6
organization
227:2
organizational
227:5 315:7
organizing 293:20
original 5:14
54:21 142:16
255:5,10
originated 194:7
outcome 10:1
195:7 300:9
334:18
outcomes 36:17
outlier 131:24
outlined 294:10
310:18
outpatient 3:19,21
4:3,10 7:5 13:3
22:6,7 24:5,23
33:23 34:3,10,12
35:10 36:15,20
37:1,3 38:4 50:8
51:23 55:3 60:19
61:1 65:3 68:11
68:12,14,15 69:20
74:14 87:25 88:6
88:12,14,19,24

89:8,12,20,24
90:24 91:7 92:15
92:18,20,25 93:2
95:18 108:4,8
123:23 138:13
156:6 169:17
176:13 179:10
224:8,13 226:4,8
282:7 304:20
319:5 330:11
outside 31:1 69:22
71:2 77:6 81:2
112:25 182:5
269:1 281:5
298:18 300:18
overall 151:23
overhead 226:7
oversaw 100:9,19
oversee 19:25 20:2
41:7
overseeing 21:17
oversees 313:16
oversight 100:23
overview 87:21
204:24
owns 151:2
oxford 159:13,18
159:20 160:1
275:7

p

p 3:11 9:1 148:24
148:24
p.m. 228:25
pacific 84:14,16
package 145:5,17
177:19 178:25
179:8
packages 137:18
145:18,21 147:6
177:20,20,22,23
178:1 179:16

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

[pad - percentile]   Page 37

pad 132:11 135:19
  135:23 136:2
  254:4,8,24 255:1
  320:15,18
page 3:3 7:24 17:5
  17:14 18:1 26:14
  26:22,22 34:9
  41:13 43:23 53:2
  68:9 73:25 78:17
  78:17 79:12 81:14
  84:23,23,24 85:18
  87:3,20 88:1,2
  96:6,17 107:23
  114:24 116:3
  118:4 126:7,8
  134:11,24 145:1
  148:23 149:4,6,7
  149:14 153:23
  154:24 156:2
  158:1,2 167:24
  168:4,9 170:19
  173:18 174:6
  175:8 182:19,24
  183:2 184:18
  186:16 187:2,5,11
  188:9,17 189:13
  195:18,23,24
  205:24 207:4
  208:14,18 210:8
  214:22 220:3
  230:12 233:6
  235:15,16,17
  242:16 254:1
  256:12,20 262:5
  306:22 307:13,16
  310:24 316:24
  317:5,10 318:23
  320:2 321:5,11
  323:22 327:2
pages 107:23
  117:24 128:24

153:24,25 205:17
  205:21 207:6
  317:4 333:5
paid 55:6,8 57:1
  69:18 79:9 96:20
  133:5 151:10
pairs 81:18
paper 35:12 37:10
  60:24,24 65:2
  87:12 95:20 98:14
  98:21 123:20,25
  124:4,4,8 200:23
  211:1,25 292:13
  292:14,17,21
  294:2,9 297:5,11
  297:13 298:16,25
  299:8
papers 15:18,19
  28:12 35:10,14,16
  68:1 211:13,18
  299:2
paradise 29:4,16
  29:24 160:6
  163:23 164:1
  165:7,10,12
  166:15 184:16
  201:23 229:10,13
  237:14 247:24
  296:14,17 297:1
  299:25 301:13,17
  301:23 302:2
paradise's 164:4
paragraph 33:16
  73:2 75:22 156:1
  156:20 158:2
  287:25
parameters 54:1,8
  54:11 56:17 57:1
  57:10 58:20
  255:13

part 26:20 44:18
  64:15 115:10
  133:22,25 134:3,4
  136:3 139:3,4
  168:13 169:19
  170:21 178:15,16
  178:20 180:1,7
  210:20 214:6
  224:15 248:15
  261:10 266:23
  275:12 276:7
  321:6
partially 147:2
participants 9:8
participating
  150:17 156:8
particular 37:15
  48:24 92:2 94:13
  99:25 276:25
  320:4,6 327:17
particularly 330:6
parties 9:11
  147:24 168:12,16
  334:10,17
partnering 234:9
partnership 233:9
party 9:25 32:1
  252:18
pass 208:24
paste 311:2
patient 55:15,15
  55:23 115:2,3,4,7
  116:6,11 136:3
  137:25 186:17
  187:13,15,17
  189:14
patient's 150:7
pause 84:5
pay 59:12 93:5
  122:3 128:21
  184:20 263:17

payers 82:5,12
  113:11 114:3
paying 32:16 33:1
  131:17 132:8,10
  132:15
payment 5:7 64:8
  64:9 112:7 116:7
  116:13 122:22
  159:8 184:17
  198:6,8 222:2,3
pays 198:3
peers 105:25
  158:11
pending 296:10
pennsylvania 2:5
people 68:21
  145:13 148:10
  203:1 298:5 307:1
  314:11
percent 54:12,15
  54:21 56:4 68:14
  88:15,16,17,23
  90:25 93:17
  128:17,19,21,22
  175:11 196:25
  221:15,22 244:8
  244:14,15,17,22
  245:11 255:5,10
  255:12 263:6,7,10
  263:24 264:7
  285:15 287:18
  288:3,17 300:8
  318:9
percentage 89:2
  151:10 202:19
  221:17 243:18
  245:12,15
percentile 6:9 7:1
  49:9,14,16,19,20
  49:20,24 50:3,8,12
  50:14,19,21,25

51:4,7,16 108:5
134:25 135:4,5,13
202:19 223:18,21
223:25 224:8
225:10,19 230:20
231:7,10 234:20
235:3 248:14,25
249:6 250:14
256:2,4 285:14,14
287:22 288:12,16
288:19 291:22,23
291:25 308:12,24
309:1,3,4,7,21
310:8,19 318:25
321:13,15 322:3,9
percentiles 50:22
135:17 235:5
238:22 309:20
performance 5:19
6:22 213:10 215:2
216:4 243:3
283:10 290:8
performed 226:4
perimeter 53:23
period 88:23
268:13
periods 270:13
person 15:6 46:6
77:23 163:18,20
166:15 172:13,14
173:4,16,17
181:11 191:11,12
203:23,25 204:5
228:9 238:8
246:19,20 260:19
314:4,5
personal 16:11
113:20 165:14
personally 101:1,2
186:15 199:20
238:14 297:16

perspective 29:13
226:16
pertinent 45:14
peterson 164:6,8
166:14
phases 135:2
phelps 2:13 10:14
phelps.com 2:16
phone 44:1 56:8
101:15 123:2
203:12 204:7
277:16 302:8
pick 302:8 308:12
308:25
picking 202:21
203:1
pie 87:23 88:16
piece 248:17
pines 11:11
pipe 219:14
pipeline 238:24
pitched 224:25
225:6
pitches 178:1
pitching 213:16
place 9:11 53:23
69:25 93:14
106:14 111:7,9
125:12 158:10
246:22 253:16
270:11 295:1
312:16 334:11
plaintiff 2:3
plaintiffs 1:8 3:10
3:12,15 4:21,23
8:5 9:15 10:8
16:25 25:6 32:24
35:8 44:16 93:24
122:16 140:11
152:19 167:4
168:12 169:15

170:20 331:10
plan 7:12 27:7,11
27:15,17 28:23
30:12,19 56:8
104:24 105:19
107:25 108:2,24
112:8 114:25
119:6,7,14 122:3
122:11,24 131:2
151:19,19,19
177:10,23,24
192:14 240:9
268:24,25 269:4,6
303:23 312:2,20
312:21,23 316:25
317:20 318:5,18
318:21,24 329:10
planned 163:6
planning 137:15
145:11,18
plans 106:9
108:16 120:6
135:8,10,17 174:1
175:9 177:16
platform 159:24
160:2 180:4,4,5,7
platforms 160:4
please 9:5 10:5,21
11:4 13:15,20
57:25 78:8 116:4
123:1 143:19
191:15 256:11
273:8 282:15
309:25
plus 77:11,15
218:9
pmcs 235:21,25
236:5
point 46:23 71:8
90:10 106:23
116:20 154:25

169:3,7 200:25
201:1 208:2 249:2
301:13 315:19
points 108:3
321:12
policy 151:20,20
177:23 294:13,19
populates 290:9
portion 121:2
portions 120:14
121:3 152:23
position 16:12
19:4,7,11,13,16,21
19:22,24 20:4,13
21:2,10,12 46:11
142:13,14 154:11
162:9 164:5
229:22 326:2
327:16
possible 112:2
173:23 261:4
post 202:21
270:19
potential 128:17
potentially 65:18
121:22
powerpoint 5:24
85:24 243:10
312:23,25 323:24
323:25 325:4,6
powerpoints
14:19
ppo 119:6,7
practical 37:6
praxmarer 25:24
40:19 41:7,15
43:23 56:13 57:21
61:10,11,24 65:20
68:8 115:20 116:1
121:13 187:1,3,10
188:4,15 189:9,15

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

[praxmarer - processes]   Page 39

281:7 311:11
320:24,25
pre 163:20 172:14
202:7,13 300:16
predecessor 61:19
164:4
preference 48:12
preparation 66:25
167:16
prepare 14:15
91:23,25 97:22
164:18 211:3
289:24 290:4
318:15
prepared 26:16
73:8 82:20 85:10
87:4 92:1 126:24
151:23 184:25
210:4 272:8
prepares 61:5
preparing 97:19
283:22
present 2:20,22
10:2 15:1 17:22
33:24 36:16 40:13
172:13 179:18,20
214:12 225:22
228:4 286:8
presentation
85:23,24,25
171:25 172:2,4,5,7
173:3,5,19,22,22
174:7,8,16,20
204:16 213:3,5,9
232:16,20 312:13
325:11
presentations
15:16,18 172:4
173:11,14 204:15
presented 86:1
224:5 321:18

presently 166:4
preserve 45:5
president 19:9,18
20:14,15 21:4,11
pretend 58:5
previous 35:7 83:4
232:17,21,22
233:2 282:1
287:23 334:7
previously 35:25
126:17 309:7
price 4:12 23:7,23
23:24,25 34:11
38:4 49:15,21
50:8 52:12 62:10
63:17,24 69:25
71:8,15 78:1,11,12
78:13 86:16,24,25
92:18,19,20 93:4,5
99:19,21,22,23
103:12 120:9
124:21 125:9
128:8 130:17
131:9 137:23
138:13 141:11
157:10,15,16
175:9 217:15,24
219:11 222:6
223:2 247:11
252:23 272:1
273:19 304:17,19
304:20 306:6
328:16
priced 30:11 52:13
52:19 55:4 74:3
79:25 81:1 110:9
113:8 115:12,14
122:16 123:4
130:14 136:4
175:18 176:6
182:4 216:20

217:12 219:2
224:8,9 244:22
250:13 254:15
272:2 282:7
285:23 300:23
327:3,8,12,18,24
328:3,12
prices 24:20,23
52:12 138:6,16
141:10 180:7
pricing 4:5,13
22:8 23:5 26:2
33:21 34:16 35:11
35:18 37:22 41:11
42:18 43:17 52:24
64:10 74:18 76:5
76:6,7,11 77:1
86:8,9,21 92:3
99:16,25 101:9
102:9,15,23 110:3
111:3 119:9,11,13
122:11 126:5
127:7 131:16
132:8,10,14 133:9
141:14 147:9,10
163:15 176:16
192:17 196:23
197:4 212:17
213:13,15 214:7
220:5,7,17 221:9
221:11,15,18
222:22 223:17
266:24 269:9,18
281:17 286:7,14
287:12 294:22
300:7 326:3,10,20
329:16,18 330:12
primarily 26:22
28:19 29:5,21
primary 29:8
65:12,13 77:10

prior 19:13,16
21:16 22:19 50:1
111:10,13 172:25
203:21
private 74:13
114:3
privilege 46:24
210:9,10,14
212:15
probably 13:10
31:12 46:7 61:6
61:23 65:14 84:23
114:10 117:13
129:20 166:14
173:15 176:1
191:3 211:14
215:20 249:17
253:17 277:24
280:6,7 302:13
315:9
procedure 8:2
35:24 68:6 101:24
101:25 102:7,10
181:23 182:4
procedures 17:7
40:12 56:13
proceeding 10:5
proceedings 332:1
process 35:11 41:3
45:9 53:3,3,11,12
53:13 85:9 116:2
126:16 136:3
186:1 190:4 221:4
221:5 252:4
274:16 278:15,22
278:23 289:23
293:23 295:1
processed 125:20
125:23 135:23
processes 40:12
48:13

processing 88:18
produce 3:15
  44:17
produced 35:25
  47:21,23 199:17
  200:12,23 201:5,8
  201:9,9,19 215:14
  270:13 331:16
producing 25:20
product 3:24
  21:24 22:2,5,15,18
  22:18,20,24 28:8
  28:20,24 30:1,11
  30:12 31:24 48:13
  49:6 72:22 77:11
  85:14 93:13 100:9
  106:13 111:7,15
  138:8 199:5 202:2
  214:3 227:11
  257:20 268:21,23
  317:21
production 177:13
  200:5,19,21 201:4
  212:15 264:15
products 17:20
  27:21,24 28:4,13
  28:16 58:3 105:13
  264:1
professional 69:25
  70:2,8,9,11,15
  71:8,15 165:15,16
professionals
  70:22
program 99:24
  100:1 106:5
  107:16 109:6
  115:4,11 117:5,9
  124:22 125:5,12
  125:23 126:14,20
  126:25 127:1
  129:9,13,19

132:11 133:18,20
134:1 137:22
141:10 149:22
227:4 251:24
281:14,15,17
295:5 296:11,14
306:8 308:11,16
308:19
programming
  99:22,23 100:10
  100:15 250:20,21
programs 12:22
  82:8 83:7 104:18
  105:4 107:7
  119:13 122:10,11
  139:25 144:1,12
  144:18 145:24
  160:7 173:23
  174:22 226:21
  247:14
progress 5:10
project 4:1 5:3 6:9
  91:22 92:1,3,11,13
  93:8 94:11,13,21
  101:18 124:19,23
  125:2 126:19
  131:20 178:22,23
  179:7 238:17,18
  238:19 239:18
  240:2,7,8,9,10,12
  241:21,24 251:8,9
  255:25 256:6,9
projected 318:3
projection 224:4
projections 128:25
  129:1
projects 238:21
  239:10 240:6
  320:9 322:8
promptly 37:4

pronounce 229:14
proper 305:2
property 314:10
proposed 251:24
proposing 223:20
proprietary 82:4
  227:3,18,20
prove 260:6
provide 12:14
  24:10 28:7,11,12
  38:21 109:14
  110:24 130:12
  147:4 179:2
  181:21 182:2
  214:6 232:18
  262:19 271:6
  331:1
provided 30:6
  35:8 61:2,4 67:9
  67:13 73:8 121:8
  124:8 183:16
  224:11 297:4,5,14
  297:18 298:12,15
provider 6:21 7:10
  25:25 38:15,20
  39:11 40:24,25
  41:19,20 43:13
  53:14,18,19 54:20
  55:6,14,25 57:5
  59:9 69:1,3,10
  70:9 71:24 91:11
  92:16 93:2 97:17
  110:8 112:17
  116:16 118:6
  150:3,4,17,18
  157:14 187:3
  189:1,4 273:2,19
  273:21,22,23,25
  274:11,12,13
  275:12,14,16
  276:13 278:25

279:4,6,7,8,22
280:2,2,2,20,21
282:6 297:6,8,9,15
297:19 298:13,16
298:25 299:9,16
300:6 301:6
302:16
provider's 128:7
providers 36:21
  37:2 38:25 56:8
  56:16 58:19 92:22
  92:25 93:18,25
  112:10,18,19,23
  113:9,10,11,13,25
  114:1 156:6,8
  168:16 203:2
  235:25 273:12,14
  274:19,22 275:3
  275:18,21 276:23
  277:1,5,12 300:16
  300:22
provides 58:11
  130:24 183:8,11
providing 104:23
  329:2,6
provisions 33:8
proxy 288:14
pst 8:6 332:2
psych 6:14
public 8:9 333:20
  334:5,24
published 114:18
pull 200:2 208:4
  278:8 290:13
pulling 323:19
punitive 94:5
  168:13 170:20
  171:2,3,4
purchase 37:11,25
  115:5 329:21

purchased 37:18
  75:7,10 177:25
purchases 37:2
purpose 42:24
  43:7 156:15 176:8
  181:20 241:18
  289:13
pursuant 3:10 8:1
push 178:25
pushback 321:19
pushed 321:17
pushing 322:19
put 44:7 47:11
  60:3 81:25 82:2
  111:25 209:7
  240:9 262:6
  263:22 289:16
  305:3 312:1
  318:17 322:15
  324:16 328:18
  331:13,14
puts 262:20,23
putting 128:2
  207:23 283:4

q

q1 5:18,23 215:24
  216:4 217:1,2,7,8
  236:20
qlikview 272:16
  272:17,20,22,25
qualified 18:6,10
  18:13 58:2 152:24
  156:9,24 167:5
  170:4 187:7 199:3
quality 9:6,7
quarter 172:10
  197:7,9,10 213:11
  215:25 232:15,20
  232:23 233:3
  236:24 237:2
  244:5,7

quarterly 7:4
  163:21 164:10,13
  172:3,4,5 204:2,3
  204:15 213:3
  215:13,22,24
  232:13 237:5,11
  238:2,5,9,10
  245:20 252:2,3
  289:20,24 290:16
  312:15
question 11:25
  24:1 26:7 28:1
  30:21,23 32:20
  40:11 41:14 43:5
  43:10,16 44:4
  51:8,11 54:4 57:9
  59:23 66:22 68:19
  74:17 80:1,4,6
  81:13 83:4 90:3
  90:19 91:12 96:9
  98:12 100:15
  103:4,20 105:6
  108:19 109:8,17
  110:5,21 121:1,5
  123:18 126:11
  133:12 141:19
  142:14,16 143:6
  143:18,23 144:6,9
  145:15 146:8
  152:17 153:14
  154:13,16,21
  162:24 170:7
  177:7 181:7,24
  182:8 183:14,15
  183:22 184:23
  195:9 211:2
  213:19 217:18
  220:20 224:19
  231:20 237:4
  242:2 253:14
  268:19 279:9,14

287:21 294:15
  295:8 298:8,10
  316:1,2 326:5,9
  330:8
questioning 40:18
  93:11 115:20
questions 7:23
  13:20,21,21,22
  14:7 25:15 26:15
  26:16 28:15 47:19
  58:11 67:16,20
  90:6 98:18 103:23
  138:8 141:16
  142:24 244:24
  287:17 296:6
  315:16 324:9
  327:14 328:13
  329:23 330:3,17
  330:19
quick 11:25 19:3
  60:9 86:21 123:18
  195:19 287:24
  292:23 324:9
  326:22
quickly 60:14
  103:19 307:15
quit 107:11
quite 238:10
quoting 101:25

r

r 2:5 3:10 9:1
r&c 4:7 106:5,23
  107:3,7,7,18
  130:15,18 131:17
  132:3 133:22,25
  179:12 184:19
  247:8 248:14
  268:2,17,20
  269:17 293:16
  294:22 295:5
  296:11,14,17,21

304:12 306:11
  309:20 326:20
railroad 177:7
raise 10:21
ralston 100:3,5
ralston's 101:13
ran 249:17 278:7
range 260:6
rarely 101:3
rate 6:5 92:19
  100:2 114:18,19
  176:14 253:3
  300:25
rates 33:21 286:14
  286:24,25
rationale 132:9,14
raw 91:9
ray 29:2,9,22,23
  29:24 252:11
  302:9 306:24
  307:21 321:16
rcc 62:13,14
reach 40:23 43:13
  115:15
reached 250:4
read 14:17,17 18:2
  30:23,24 34:9
  47:25 62:5 75:6
  75:23 80:6,7
  142:16 143:17,22
  144:8 146:3
  178:19 192:4
  216:15 218:4
  243:7 250:2
  258:19 305:24
  307:15 320:8
  333:3
readiness 92:6
reading 27:3 37:9
  180:20 216:8
  217:10 248:22

273:9 275:19
276:20 285:5
293:13 327:6
ready 48:4,5,6
130:5,6 171:18
180:19 270:22
324:20
real 86:21 258:21
292:23 326:22
really 59:11,15
83:15 90:4 93:20
93:21 117:23
153:16 176:3
258:21 287:24
realtime 273:1,3
reason 26:5
109:13 121:17,21
135:16 156:15
162:25 253:1,2
267:23 268:13
302:18 327:7
reasonable 107:3
307:23 308:3,7,9
308:16,25
reasons 97:9 234:1
rebecca 29:16,24
160:6 163:22
164:1,4 165:6,10
165:12 166:15
184:16 247:23
296:14,17 297:1
299:25
recall 67:23,24,25
81:5 86:11 98:22
106:2 111:17
120:12 121:10
161:9 172:1
174:17,24 182:14
192:5 193:3
194:20 195:4,11
210:12 218:18

223:8 248:18,23
249:9,11 271:21
277:3,18,23 285:7
286:4 287:1
294:24 295:2,7,9
295:11,13 296:18
297:21 299:1
300:11 301:8
recap 7:8
receive 27:10
42:18,25 43:8,11
43:17 46:2 115:17
199:16 222:2
243:24 280:6,7,14
294:21
received 34:25
190:21 222:3
277:19 279:22
295:4,9,19
receives 59:10
115:25 198:19
receiving 295:8,12
295:13,14
recess 84:12
155:17 193:18
209:4 219:21
229:1 261:18
293:3 305:10
323:12
recognize 16:23
48:8 64:24 85:5
95:19 104:19
118:8 124:15
127:17 134:14
171:19 178:13
184:13 187:12,14
189:24 191:21
194:5 196:20
232:10 246:4
256:24 262:7
271:16 283:23

285:3 289:10
293:12 303:19
305:22 311:6,22
recollection 86:12
127:24 287:11
recommend 110:7
recommendation
22:8 294:5
recommended 5:1
31:5 52:22 55:22
97:18 104:23
106:6 107:2
109:22 110:11
111:19 112:6
113:7 116:21
128:8 171:24
176:24 219:11
222:6 244:2
reconnecting
191:23
record 9:4,12 10:4
11:4 18:3 30:24
48:1 80:7 84:8,11
84:14 94:15 142:4
143:22 144:8
155:12,14,16,19
156:13 193:14,15
193:17,20 209:2,6
219:16,17,20,22
228:22,23,24
229:2 261:13,15
261:17,19 281:11
292:25 293:1,4
305:1,8,11 323:2,6
323:8,10,14
331:25 332:2
recorded 1:19 8:3
9:10,13 323:7
recording 9:6,10
records 44:1
266:18

recovery 276:3,14
280:9 281:2
red 263:2
redact 283:3
330:24 331:8
redacted 81:19,24
210:9,19 307:5,7
redactions 307:10
reduce 225:17,19
225:22 234:20
reduced 112:7
122:22 233:22
334:12
reducing 41:22
reduction 7:2
234:7,10 256:2,4
318:25 322:10
reductions 6:9
233:11,18 234:1,2
321:13,16 322:3
refer 65:2 87:24
101:23 107:16,18
157:13 175:20
211:15 243:22
reference 67:8
90:8 106:22
120:22
referenced 136:16
281:16 331:12
references 260:5
272:16
referencing 117:9
260:9,14,23
referred 51:23
70:12 177:12
referring 79:17
83:19 101:19
102:3 149:18
169:15 175:12
193:2 233:13,14
235:24 236:4

247:9 254:5,7,8
255:8 262:14
266:14 308:14,15
310:20 311:1
321:22,23
refers 175:15
212:2 322:3
reflected 79:7
reflects 157:20
refresh 83:24
86:12 127:24
287:11
regard 45:1 300:1
regarding 7:14
25:15 34:25 63:13
120:11 195:15
201:14 277:17
293:15,16 294:22
296:13,17,20
329:16
regional 314:10
regular 149:21
164:12,13 203:15
203:17,18 237:13
238:14,18 242:8
246:11,13 252:4
regularly 105:2,9
191:9 272:3,6,7
283:6
reimburse 308:13
309:1
reimbursement
74:11,13 114:13
230:14 281:14
286:24 288:4
296:21 303:23
304:10,13 310:19
310:25
reis 313:13,14
reject 220:7

rejected 220:5
rejecting 222:22
223:2
relate 124:21
168:14 212:17
related 9:25 17:20
45:15,17 47:4
58:4 67:16 182:11
201:14 329:2,14
relates 127:7
147:23,23
relation 97:23
334:9
relationship 19:25
20:3 21:17 129:16
129:21 138:25
139:4,16 147:24
160:16 162:5
165:14,15,16
166:21 236:1
280:20
relationships
173:1 241:5
relative 69:18
release 294:9
298:25 299:8,15
released 135:2
170:22 293:25
releasing 171:2
294:2
relevance 143:9
222:8 304:1
relevancy 86:22
93:11 119:15
142:10 315:4
relevant 35:11
93:17 94:7 119:19
119:24,25 120:2,3
120:4 122:13,15
138:23 140:13
141:6,8,9 147:20

216:25 270:13
329:4
relies 37:22
rely 34:4
remember 12:10
12:18,22 15:8,12
22:16 54:10,10
72:9 80:21 92:11
98:20 102:25
105:22 144:20
163:1 165:1,3
171:25 182:16
193:7 194:22,25
194:25 197:14,18
197:21 201:17,25
218:12 223:16
230:3 246:21
248:21 268:5
276:25 285:6,22
286:6,20 291:24
293:15 295:3,16
295:17,18 297:3
300:3,5,9 303:3
309:10 312:10
320:4,5,6 325:17
325:19,20
remind 80:22 86:2
remote 1:19 8:2
remotely 9:21
10:2
remove 132:22
133:3 179:25
removed 133:10
renew 264:25
331:10
rep 43:2
repeat 30:22 43:4
144:6 207:21
replaced 259:13
replacement 229:8

replicate 74:10
report 20:10,24
90:17 175:22
199:16,18,23
200:2,24 209:24
210:3,25 211:4,17
211:25 212:1
215:21,24 224:6
229:13 251:15
262:10,13,16,17
262:23,25 263:13
263:14,14,21
264:14,16,21,23
265:6,11,21 267:3
270:6 271:24,25
272:3,4,5,8,12,19
273:1 275:7 278:7
278:8 283:5,9,19
283:21,23 286:24
290:2,12,14
reported 21:1,6
229:18 262:11
263:16 267:22
reporter 9:23
10:20 13:16 78:8
143:17,20 144:4
273:8
reporter's 334:1
reporting 265:20
268:9,12 272:18
reports 29:9,20
200:13 201:23
203:6 211:24
212:16 215:13
229:11 245:21
251:24 257:5,15
257:19 264:25
265:1 270:12
290:10,16 331:11
331:11

[represent - right]   Page 44

represent 89:5 244:7 270:5	**resemble** 257:15	63:17 92:5 94:10 94:13,14,24 95:3,5	35:14 79:7 96:19 97:20 117:14,17
representation 181:22 182:3	**reserves** 35:25 37:6	129:2 147:8,10,18 148:5,5,14,20	153:17,20,21,24 154:2 167:21,25
representative 166:12 279:11,12 310:6 329:9	**resolution** 41:20 **resolved** 303:4 **resources** 85:13 85:15,16 159:7	151:25 162:12 179:3 199:16,17 199:23 200:13	209:24 271:19 **reviewing** 153:3 237:2
representatives 156:14 159:6 163:19 171:4 172:22	**respond** 26:6 67:19 **response** 115:25 328:2	201:23 202:14 203:6,14,16,17 257:4,15,19 263:1 263:6,19 264:25	**rewrite** 192:24 193:8 **rh** 1:5 **richardson** 2:18
representing 9:22 10:14,17 84:16 154:3	**responses** 3:15 25:21 44:16 67:7 115:18	265:13 266:22,23 316:25 317:20,21 318:3,5,24 331:11	10:16,16 330:20 **right** 10:21 11:19 13:1,10 15:12,20
reps 274:19,22 **request** 4:1 5:3,14 7:8,14,15 91:22	**responsibilities** 19:24 20:5 **responsibility** 30:18 159:16	**review** 3:17,21 4:2 4:3,5,9,10 5:12,12 5:22,23 7:5,5	16:15,25 17:13 18:21 19:20,23 21:9 22:5,11 24:7
102:2,6,10 106:8 124:23 128:11 129:12 178:23	160:6 189:10 **responsible** 28:19 32:16,25 100:10	14:21 22:6 27:7 34:3 35:10 65:3 66:18,25 67:4	25:1,18 26:23 27:3 35:25 37:6 41:13 42:6,15
181:21 183:9,12 201:17 212:14,15 251:9 265:1	166:16 186:25 274:15 283:22 **responsive** 44:22	68:11 69:20 84:19 86:14 87:4 92:15 92:18,20 95:18,18	45:18,22 47:8,12 48:2 51:1 54:24 55:12 56:7,23
270:12 290:11,15 331:10 **requested** 92:6	**result** 14:5 42:18 43:17 103:1 141:12,13	97:22 99:5,16,20 102:9 107:25 108:2,16 109:22	60:17 62:2,13 65:19 68:19 72:10 73:1 81:7 83:20
200:16,17 201:11 201:13,18 211:3,8 211:23 264:24	**results** 5:2 7:13 33:20 36:16 171:23	110:23 111:2 114:25 123:23,23 124:25 125:3	85:20 89:15 91:13 92:7 94:6 103:17 104:6,15 115:10
requesting 178:24 **requests** 3:15 44:16,23 182:16	**retain** 53:23 54:20 255:5,10 **retained** 54:13,15	153:22 167:16 171:9 186:1 192:9 192:9 209:17	118:1 120:24 124:10 125:15 127:8 135:7,11
300:15 **require** 63:17,24 **required** 294:7	331:24 **return** 132:7 **returned** 55:5	211:12 213:3 220:17 232:13,14 233:2 236:20	138:12 139:21 145:16 148:20 149:11 150:23
requirements 104:25 105:16 107:25 115:1	217:16,24 **returning** 230:11 **rev** 6:14	271:13 282:8 284:23 288:2 293:22,25 294:5	151:20 152:6,13 152:19 153:2,5,17 153:22 154:6,18
116:4 124:18 125:19 150:6 303:24	**revenue** 6:15 62:17,19 63:6,17	304:7,13,15 331:7 **reviewed** 14:22 15:8,13 33:7	156:15 157:10,11 158:1 162:21 167:21 170:6

[right - says] Page 45

171:9,12 173:3,18
174:13,21 178:13
183:6 185:21,24
189:5,8,13 191:6
194:11 195:13
196:22 198:3
204:21 207:2,5,8
207:14,16 208:3,6
208:20 209:13
214:22 215:21
216:3,5,9 217:24
222:25 226:5
229:15 230:13
233:3 236:8,24,25
237:8 238:13,25
241:21 243:17
244:19 245:20
251:14 253:7,19
255:16 257:1
258:14,17 259:15
261:5,23 263:2
264:13 266:5
267:21 268:1,9
269:20,22 270:14
270:21 271:22,24
276:13 278:14,18
278:19 281:11
282:1,4,18 283:20
283:24 284:6,21
285:3,17 287:2,15
287:20,23 288:21
288:22 289:12
290:3,15,21 292:2
292:7,23 293:12
297:11 299:18
303:8 304:18,23
305:6,15 306:3
310:16 312:3
316:24 318:8,11
319:8 323:16
324:11 325:2,3,15

327:6 328:21
329:24 330:16
rmr 8:8 334:4,23
robb 181:14
role 100:16 214:6
224:15 313:15
roles 19:23
rolled 282:13
room 11:15,16
219:14 324:22
331:4
rough 2:15
round 145:5
route 151:5
routed 55:3 93:3
routinely 42:17
194:16
routing 126:21
row 264:2,6
267:14
rude 315:12
rule 159:7,10,18
159:20 160:1
rules 8:2 13:12
35:24
run 239:9 250:7
250:11 251:14
272:4,19 273:1

s

s 9:1 148:24,24
sack 2:23
sad 47:1
saf 6:14 156:4,7
260:3
safe 21:23 117:8
sales 7:16 19:9,18
21:4 77:17 108:12
227:23 279:14
300:20 301:10
312:2,20 313:20
313:25 314:1

318:18
sample 33:22
186:17 187:2
san 2:11 163:10
sarah 164:6,7
166:14 246:9
save 45:9,10
savings 5:1 6:15
6:17 28:22 41:21
42:4,7,9 51:20,20
51:22,22,25 52:1,3
53:24 54:13,15,21
55:11 59:11 94:22
94:23 95:3,5
129:3 133:18,20
134:1 151:11
164:2 173:2 177:5
196:25 198:6,7
214:15,19,20
218:4,9 219:1,6
220:13 222:3
224:1,16,24
225:23 226:19,21
227:4 233:9
234:21 245:15
249:21 250:14
255:6,10 262:10
262:16,17,25
263:5,11,16,23
265:1 267:22
268:12 270:6,12
273:7 282:9
331:11
saw 167:12 238:19
239:18 268:6
280:10
saying 36:19
137:17 146:1
154:4 175:23
185:16 210:19
235:2 239:4 243:6

250:17 254:23
262:21 263:8,9
278:18 295:11
325:5
says 17:6 34:10
35:7,23 36:13
41:15 48:20 49:9
49:9 51:19 52:9
53:2 60:19 62:2
62:13 63:2 65:10
68:10 69:7,7,17
73:2,2 74:10
75:15,16,24 78:18
78:19 79:6,7
81:16 86:3,14
87:21,24 88:16,22
90:21,23,25 92:3,4
92:4,8 94:9 96:17
96:19 99:14 100:3
101:13,21,23,25
106:3,22 107:24
108:1,4 109:21
112:6 116:4,6,20
118:2,2 122:20
123:23 126:9
127:6 131:14
133:13 134:25
135:2,19 137:14
145:4,7 146:13
148:24 149:12
156:4 168:11
170:19 175:9,10
175:16,18 177:4,7
178:23,24 179:25
181:16,20 182:19
184:15,16,19
186:1 187:5 188:9
188:19 191:23
192:9,13,14,24
195:17,18,20
210:6,8 215:2

[says - sent]   Page 46

216:3,4,17,17
218:4 230:12,13
233:8,10 234:20
234:20 235:20
236:13 242:17
244:8,14 247:5,7
248:12,13 254:3
255:4 258:20
259:22,22,24
260:18 265:12,14
266:20 267:22
268:17,20 271:22
274:7 280:14
282:19 284:2
285:16,17 287:19
288:1,12 290:22
291:22 293:19
294:3 308:22
316:25 317:20
318:8,9,24 321:12
321:15,16 324:12
scenario 55:24
schedule 79:9
96:21 241:9
scheduled 40:21
schill 258:10,11
scope 31:2 69:22
71:2 74:4 77:6
81:3 112:25 182:5
222:8,16 269:2
281:6 298:17,18
300:19
scott 46:20
scratch 121:15
129:2
screen 9:9 84:15
script 186:17
187:3,8
scripts 186:23
scroll 16:21 259:1
289:4

scrolling 206:3
sean 23:13 40:3
63:13,22 64:15
65:20 68:7 69:2
71:5 73:23 74:23
78:6 96:15 103:23
113:18 145:4
157:13,23 169:24
170:3 180:6 182:8
192:13 211:11
258:10,12,20
285:9 287:14
288:1,11 301:22
search 44:19,22
searched 200:6
searches 44:25
second 4:23 13:18
16:20 17:5 18:22
25:2,2 39:22
47:17 64:21 68:9
75:18 84:5 86:15
99:5 101:22
117:22 127:19
134:24 149:7
161:20 162:15
167:4 184:18
208:25 210:8
219:18 233:6,10
235:17 236:24
254:20 256:12,20
265:22 271:13
282:10 284:25
292:25 307:13,16
317:23 319:11
323:9
section 153:5,13
154:5,5
sections 154:10
sectors 74:14
see 11:19 17:6
18:24,24 34:13

35:24 36:23 39:18
41:23 44:11 46:19
47:3,10,19 48:15
49:11 53:9 62:13
63:3 68:17 73:5
74:15 75:20 78:21
79:4,14 87:10
88:16 89:18 90:7
90:9 94:11 107:7
108:16 116:9,23
118:12 122:12,20
125:20 135:21
139:4 140:9,13
141:2 146:10,23
149:11 155:24
156:4,22 158:3
168:17 170:24
178:15 179:9
181:19,25 184:21
186:2,18 198:25
207:19 208:19,19
209:15 218:5
233:1 234:18,23
235:20,22 236:22
240:1 242:17
243:15 244:9,25
245:9,14 250:14
254:21 259:1
261:7 264:8
265:15 268:3
269:21 279:5
282:14 283:2,3
285:20 294:11
304:24 306:22
313:19 317:1
321:20 325:24
326:25 330:4
seeing 203:2
205:12,13,14,22
205:24 206:11

seen 9:8 25:8 26:9
44:13 99:8 107:22
118:17,24 167:7
171:20 177:12
182:23 183:4,19
184:25 185:2
186:4,15,20
187:16 188:23
191:14 209:18
215:10 243:2
257:1 258:14
260:18,22 271:21
282:25 283:8,19
284:19 294:23
319:6
self 198:5,16
262:19
send 115:13
157:16 164:22
190:24 198:15
220:11 221:9
251:11,15,23
254:8,24 263:21
272:11 274:4,12
274:13 277:4
294:6 320:5
sending 254:23
255:1 256:1
sends 157:15
191:4 262:24
senior 19:9 46:13
46:14 313:3,5
329:9
sense 201:20
244:20 260:2
sent 40:14 55:3
136:2 167:16
195:19 216:19
249:12 259:22,24
260:19 272:8
277:24 278:8

[sent - sorry]   Page 47

299:5 331:14	setting 48:12	shut 254:23	size 33:22 243:14
sentence 74:8	226:5,8	sic 9:4 126:16	**skip** 83:16 125:16
132:13,23	**settle** 300:16	208:7 305:9	176:18 185:4
separate 160:4,19	**settlement** 40:24	**side** 81:16 114:10	189:17 261:2
324:1	**settlements** 170:22	132:7 159:8	269:21,23
september 4:10	171:1	243:14,14 263:2	**slide** 87:11 174:5
7:6 105:14,17	**seven** 13:7 15:5	**sidebar** 325:13	215:10,11,16
123:22 230:5	97:21 197:7,8,10	**sign** 110:17	217:9 244:24
serious 140:9	197:13,15,17,18	**signature** 334:20	**slides** 216:9,15
seriously 240:22	319:12 331:23	**signed** 189:3,4	**slightly** 12:2
240:23,23	**share** 26:4 82:5	222:19	**slow** 22:11 154:17
service 3:21 41:10	84:6 207:24	**significant** 126:23	273:8
48:20,24 50:2	227:19 252:3	302:17	**slowing** 154:20
51:24 68:11 69:20	291:12,17	**similar** 95:21	**small** 184:12
78:19 108:6 118:7	**shared** 28:22 82:6	106:6 112:10,18	243:8
120:5 151:17	106:7 122:1	112:19 113:9,9,12	**smith** 8:7 9:23
222:11,13 227:9	133:18,20 134:1	174:1,20 175:9	271:22 334:3,22
244:1 262:12	135:24 164:2	216:15 260:2	**snapshot** 215:2
services 22:24	173:1 176:11	288:5 289:23	290:8
27:22,24 28:4,25	251:18,19 278:13	291:8,9	**snapshots** 243:3,4
30:7 34:3 36:15	291:19	**similarly** 1:6	**soap** 102:2,6
38:21 40:14,16	**sharing** 176:8	**simply** 244:24	**social** 158:10
42:25 43:8 58:10	**shield** 161:10,13	**simultaneous** 64:4	**sod** 53:3,21 255:6
65:4 75:9 92:15	**shift** 139:25	142:12 241:14	**software** 157:5
92:18,21 105:12	143:25 144:11,15	**single** 75:18	**solution** 35:18
110:9 112:8 113:9	**shifting** 144:17	153:22 235:13	37:22 52:24 86:25
121:20 122:24	**short** 142:3 309:25	239:23 314:4,5	101:9 128:3,5
168:14 197:25	315:13,24	318:18,21	196:24 212:17
209:23 214:5	**show** 147:12	**siskin** 5:17 209:23	213:14 214:12
216:5 222:5	207:15,17 234:8	210:1,15,16,20	**solutions** 9:22,24
223:18 233:18	249:17 256:10,11	211:3,12,17	129:23 163:15
234:6,7,10 242:18	**showed** 82:11	212:16	214:7 331:24
275:14,16 277:6	235:4 249:21	**siskin's** 210:25	**somebody** 100:25
279:4,24 280:8	**showing** 176:12	211:23 224:6	104:17 121:24
282:8 325:21	182:2 206:4	**sit** 170:6 180:2	152:21 225:12
327:12 328:13	213:10 219:2	201:17	254:14 301:22
329:2,6,14 330:10	282:6	**situated** 1:7	302:7
session 3:24	**shown** 142:10	**situation** 80:22	**soon** 37:5
set 3:15 44:16 54:2	**shows** 217:9	97:1 300:5	**sorry** 11:12 18:3
54:8 179:17	224:12 265:11	**six** 263:5,7,10	27:25 103:3
	271:25		107:15 135:11

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

[sorry - study]   Page 48

144:4,6,7 183:23
184:6 186:11
188:18 196:17
205:1,23 217:4
220:15,24 250:9
257:8 283:14
284:14 294:25
303:15
sort 87:11 93:22
sound 207:13
sounded 321:17
sounds 17:9 133:1
155:8 251:19
285:13
source 68:10
181:22 182:3
188:10,13,14
sources 38:1
south 2:18
space 272:23
speak 78:8 195:14
204:6
speaking 16:7
speaks 212:10
252:17 301:17
spec 4:5 99:16,20
102:9
special 3:12 25:6
26:5
specialties 277:9
specialty 277:5
specific 3:17 34:15
48:13 61:14
108:17,23 163:15
168:25 169:2,6,7
187:20 225:1
227:2,11,15 256:9
283:9 293:24
295:2,16,17
297:21

specifically 15:12
15:14 34:25 68:13
97:22 111:17
172:1 212:18
246:8 248:9
specifics 285:8
speculating
249:16
speculation 13:4
30:3 31:2 59:4
69:12 132:16
145:25 220:10
221:19 257:9
296:6 299:12
302:11 309:24
326:13
speculative 42:19
speeding 154:20
spell 11:6
spelled 272:22
spend 14:10
130:21
spielman 2:10
10:12
split 192:15
spoke 59:10
237:14
sponsor 125:3
sporadic 238:6
spread 234:25
spreadsheet 6:15
6:19 184:24
319:20
spreadsheets
291:5,6
ssp 5:6 6:11
133:22 134:3
184:16
sspe 7:13 133:13
133:14,15,17,18
134:4,6

stack 177:3
stamp 84:15
stamped 84:24
stand 53:3,8,11,17
53:20 54:7 90:9
255:10 275:9
standard 3:19
36:20 37:2,8,11,23
38:10,23 39:7,18
39:20 53:3,11,13
54:12 60:19 62:2
68:13 74:25 76:14
102:7,10 112:21
215:16 255:4
263:9
standards 17:7
standing 238:18
241:2 242:8
standpoint 157:1
160:16 227:1
250:20,21
stands 94:16,18
142:10 267:18
311:13
stanley 61:19,20
start 47:18 48:23
168:8 203:1,1,2
240:18
started 13:24
22:21 225:25
starting 21:10
26:14 166:7,13
317:24
starts 36:19 48:20
186:13 206:25
state 8:9 10:3,5
11:3 80:12,15,25
96:24,25 116:6,11
142:2 194:17
269:9 333:4 334:5

stated 21:9 24:1
statement 118:4
176:4 198:15,25
267:1
statements 116:21
states 1:1 9:17
34:10
stating 142:1
statistical 181:22
182:3
statistician 210:2
210:17
status 6:10 78:18
79:6,11 96:7,10,18
stay 142:21 261:13
stenotype 334:11
334:14
step 254:20
stephanie 46:20
sticks 86:6
stips 45:4
stipulate 162:11
stop 60:13 119:20
119:21 140:15
stored 44:2 190:17
strained 11:22
strategic 234:17
streamline 261:7
street 2:10,14
stress 101:16
stretch 143:7
strictly 165:15
strike 217:22
297:4
strongly 141:1
structure 315:7
student 159:7
studies 34:16
study 39:17,23
73:17 225:25
226:3

stuff 14:14 60:9
  89:7 140:20
subject 4:4,6,15
  4:17,20 5:4,6,8,11
  5:13 6:4,5,7,9,11
  6:12,14,16,20,23
  7:1,3,7,9,11,13,15
  7:16,18 26:25
  37:15 40:20 74:20
  77:4 99:15,18
  119:8 120:7
  122:10 137:11
  259:23
submit 36:21
  39:11 69:10
  113:11,25 114:2
  198:6,8
submits 93:2
submitted 39:8
  56:18,20 68:11,15
  69:2,4,8 73:4
  93:25 108:8
subscribed 333:14
substance 12:9,21
  16:3 112:22 156:6
substantially
  116:20 117:1
substantive 26:20
  26:24 33:16 45:23
successful 53:15
  53:15,20,25 54:22
  87:1 133:2
successfully 52:13
  52:19 217:11
sued 300:12
suggest 27:17
  105:3 110:1 129:9
  129:18
suggested 105:19
  111:19 117:1

suggesting 176:15
suggestion 303:23
suggestions
  120:21 174:11
suggests 70:21
  321:14
suite 2:6,14
sum 232:21,22
summaries 234:14
summary 4:8 5:17
  87:10,11 118:2,3,5
  209:22 282:19
summit 6:1 118:6
  168:23 169:13,14
superior 27:23
  28:3
supplement 36:1,4
  37:7
supplemental
  149:19,25 150:13
support 5:7 98:5
  230:21,23 231:10
  231:17
supported 30:12
  30:19 236:5
supporting 7:2
  105:3,20 168:19
  169:3,8
supports 28:24
  170:8
supposed 153:11
  246:13
supps 148:24
  149:12,15,17
sure 11:22 83:22
  84:8 107:15 122:5
  128:15 137:10
  172:24 177:13
  193:11 217:5,10
  231:15,19 236:14
  259:25 265:23,25

  266:11 267:2
  274:9 293:18
  323:3
surgeries 148:12
  203:3
surgery 24:9,10
  50:23 51:9,17
  211:16 226:4,8
surprised 31:13
  31:19
surprises 329:3,15
  330:6,10
susan 108:13
  162:22 312:5,10
  331:6
susan's 200:22
sweet 315:13,25
switched 323:2
sworn 10:24 333:5
  333:14 334:8
system 68:6 74:12
  132:6 200:24
  213:22,23 272:1
  279:1

---

t

tab 16:16 18:22
  44:8 47:10 60:4
  64:18 81:9 82:25
  91:15 185:5
  193:23 196:12
  208:24 212:21
  236:11 245:23
  258:2,3,7 267:22
  267:24 269:20,22
  282:10,12 284:8
  287:4 288:23
  292:3 299:18,21
  303:8,17
tabak 20:20,22,23
  144:24

table 62:14 96:7
  125:18 129:22
take 9:11 16:20
  22:12 25:1 26:17
  33:13,14 40:7
  47:6,17 64:21
  76:4 90:11 99:5
  117:22 120:21
  137:8,10 143:21
  155:1,3,4,7,9
  162:9 167:2
  184:19 193:10
  208:25 229:21
  234:10 236:6
  245:6,9 261:3,5,23
  263:5,10,21 265:4
  267:6 271:11,13
  275:7 280:9 289:2
  292:23 293:6
  303:13 307:14
  330:1
taken 8:5 9:14
  12:4 84:12 140:21
  155:17 193:18
  209:4 219:21
  229:1 261:18
  293:3 305:10
  323:12 334:10
talk 13:17 14:6
  64:4 68:7,9 83:18
  101:17 117:23
  142:12 145:13
  158:9,11 161:25
  166:7 232:23
  237:22 240:8
  246:8 248:16
  256:1 276:5 304:8
  312:2 318:16
  320:20,23,25
  321:1,14

[talked - three]   Page 50

talked 68:4 96:23
  125:5 172:3
  233:21 247:11
  309:14 315:14
  319:2 320:21
talking 57:3,5 58:6
  75:23 77:23 93:23
  101:12 107:12
  131:16 137:6
  144:22,23 145:16
  145:20 158:25
  166:4 194:8 207:1
  212:6 213:11
  232:13 236:19
  247:13 248:14
  249:1 255:9 256:7
  257:5 258:17
  264:10 285:11
  297:10 301:6
  302:5 306:4
  308:11 310:18
talks 68:5 74:1
  85:12 96:18
  114:24 118:5
  134:24 171:22
  243:23 293:23
  294:2,2 304:7
  321:10
target 4:5,11,13
  86:24 92:3 99:15
  99:19 102:8
  124:21 125:9
  126:5 127:7 148:1
  157:10,15,16
  247:11 306:6
tc3 150:25 235:20
  235:21
team 28:22 29:12
  41:8,20 44:24
  92:1 126:14
  158:23 204:3

  239:16 241:1
  290:1,4 293:19
  313:25 314:1,3,5,6
  318:16
teams 237:7
tech 4:5 99:16
  102:9
technical 4:13
  99:20 126:13,20
technology 23:17
tell 54:25 82:7
  84:22 90:18 98:2
  101:7 137:6
  152:23 153:7
  213:2 219:14
  255:23 273:4
  277:5
telling 78:5 201:2
  220:4 275:20
  276:15
tells 327:11,13
template 92:9
  183:7 304:14
ten 142:17,23
  179:22,23 314:12
tenth 168:10
term 38:16 45:25
  52:21 129:16
  131:24 133:15
  192:20 231:1
  281:13 308:17
termed 147:4
terms 53:5 62:8
  106:21 107:1
testified 10:25
  73:16 105:1 129:6
  135:4 295:7 303:3
testify 17:11,17,24
  18:7,10 25:11,20
  25:24 26:1 37:14
  58:2 71:20,21

  104:17 152:21,24
  156:9,24 157:23
  167:6 187:8 188:4
  199:3 239:14
  241:23 281:6
  298:3 334:8
testifying 141:24
  153:12
testimony 31:14
  71:10 76:17 77:21
  121:2 141:23
  223:17 331:22
  333:3,6
text 165:12 238:20
thank 11:23 48:2
  84:17 88:4 331:19
thanks 94:20
  239:14 293:19
theoretical 288:14
theory 288:5
thereof 334:14
thing 26:24 41:14
  85:3 88:8 151:20
  153:16 162:23,23
  164:9 233:10
  235:16 245:13,14
  250:22 253:14
  289:4 331:17
things 14:10 23:14
  60:12 68:4 101:16
  178:17 202:21
  227:1 285:17
  293:24 315:17
  319:23 330:21
think 13:23 14:11
  18:16 21:9 25:23
  26:3 46:12 47:1
  47:12 58:15,25
  59:13 65:16 66:22
  71:10 77:14
  101:23 112:2

  119:18,18 120:1
  125:4 129:6
  130:22 135:3,25
  140:14,17 141:5
  149:3,6 157:12,19
  157:21,23 159:4
  162:3 165:2
  172:24 173:3,13
  183:10 193:5
  201:5 206:17
  207:10 209:1
  210:6 220:3,19
  222:13 224:15,23
  234:13 235:11,12
  238:3 242:23
  245:5,10,21
  246:13 254:21
  261:3 262:6
  267:12,17 272:24
  273:3 277:8 280:9
  283:15 284:19
  286:1,1 288:2,18
  301:12 304:9
  306:5 309:3,13
  310:3 315:17
  328:18,19 331:14
thinking 250:18
  252:20
third 3:15 4:21
  44:16 152:19
  155:24 168:11,16
  268:1 308:5
thirteen 326:23
thought 18:17
  120:20 121:12
  317:12
thread 320:7
three 90:6 138:20
  172:22 173:2
  218:7 246:15
  304:24,25

threshold 51:22
  52:2
thursday 242:7
  260:20
tie 5:7
tied 162:18
till 264:17 286:8
time 9:4 10:5 12:5
  13:8 14:11 22:12
  22:19,21 28:16,16
  36:3 49:6 50:3,10
  51:6,15,18 52:4
  54:6 61:14 66:2
  68:3 70:24 73:3
  77:24 78:9 83:11
  83:11,12,12 84:11
  84:14,14,14,16,16
  88:23 101:15,22
  106:14 111:8,9
  129:10,10 136:9
  136:10 137:10
  144:7 153:20
  154:14 155:16,19
  160:21 167:12
  172:17,17 173:14
  174:10,10,15
  190:13,14 193:17
  193:20 202:10
  204:21 209:3,6
  216:25 219:20,23
  221:22 223:16
  228:4,7,25 229:3
  230:3 232:24
  240:21 249:4,11
  251:13 261:17,20
  270:13 272:4
  286:8,20 293:2,5
  293:14,17 295:4,9
  297:3 301:4 305:8
  305:12 308:5
  309:12 310:22

312:19 323:11,14
  331:19,25 332:2
  334:11
timely 36:1 37:6
times 35:9 67:4
  83:17 215:11
  230:2 242:3
  263:11 295:19
  315:14 319:7
tin 6:18 272:14
  273:2 278:8 282:6
tina 135:24 271:22
title 20:7,8 84:23
  85:18 95:17 176:2
  248:12
today 10:18 11:12
  11:17,24 14:1,16
  16:8 17:11,17,24
  18:7,11 22:13
  26:10 45:21 67:1
  68:5 89:3 93:14
  97:20 144:24
  145:9 146:16
  156:10,25 165:10
  165:18 199:3
  200:4 247:12
  252:21 264:11
  271:20 281:6
  289:24 298:18
  303:22 331:20
today's 331:21
toggle 243:14
told 45:10,19
  59:11 145:12
  281:3
tom 100:3,5
  101:13
tomorrow 140:21
tool 23:5
toolbox 85:13,16
  85:17

top 12:12 48:16
  67:22 68:10 81:16
  89:14 90:22
  125:18 130:8,23
  134:25 145:2
  147:14 159:5
  175:13,17 184:19
  193:9 194:15
  197:20 199:9
  202:15 218:18
  247:6 277:11
  282:21 283:5
  287:19 288:11
  311:4
topic 12:3 17:11
  17:14 18:10 23:10
  40:18 43:2,23
  57:21 74:20 77:4
  96:12 97:5 156:9
  188:4
topics 14:3 16:12
  17:17,24 18:13,19
  58:1,8 142:20,21
  142:25 143:6
  156:15 164:23
  173:19 245:22
total 91:10 114:4
  218:9 244:3 245:6
  245:10 268:12
  331:22 332:2
totals 265:12
tpas 314:9
track 115:24
  134:17 147:17
tracker 4:19
train 85:11
training 3:24
transcript 331:7
  333:3 334:13
transmit 102:1,9

transmitted 98:15
transparent 28:8
  326:4 327:8,17,24
traveling 242:6
treatment 148:12
  226:11 275:8
trend 6:17
trends 318:16
trick 90:3
triggered 33:11,12
trouble 250:9
true 26:24 141:15
  205:5 206:10
  226:10 334:13
trust 304:7
truth 334:8
try 60:8,13 280:23
trying 46:18 78:2
  90:4 154:17,18
  231:2,3,6,9 241:20
  280:24 302:24
  315:6 316:22
  331:4
tuesday 1:23 8:6
tunnel 284:18
turn 256:20
twelve 104:8
twice 239:6 307:25
two 14:2 19:12
  93:6 96:3 101:16
  106:25 107:23
  117:24 135:2
  141:16 167:8
  218:7 232:25
  237:17 246:14,15
  246:16,17 294:7
  304:24 305:1
  314:25 316:3,17
  330:21
type 118:9 157:14
  212:9 238:20

[type - united]   Page 52

264:23 298:13,16
types   23:22 24:17
89:23 135:17
typewritten
334:12
typical   106:8,12
106:13
typically   110:1
172:7,9 204:17
232:18

u

u   148:24 272:22
u&c   3:17,21 4:2,9
7:5 35:10 48:20
49:6 68:11 69:19
69:20,21,25 71:15
71:19 79:8 85:9
85:11 86:14,17
87:3,21 95:17
96:19 105:15,20
106:24 107:2,6,19
107:24 108:2
109:22 114:25
123:23 148:2
181:23 186:1
235:21 236:3
244:11 265:4,12
266:11,20,24
267:4,5,14 304:7
304:12,15 308:7
317:23
ub   6:22 50:14,16
51:10,17 63:16
88:8,12 175:10,19
176:6,16 211:18
212:18 238:22
249:5 256:4
282:19 283:9
309:4 310:9 326:3
326:10,20 329:16
329:18

ucr   192:10,14,16
192:24 193:7
216:5,20 217:12
217:23 242:18
244:13
uh   16:18 18:5 20:9
24:16 27:2 29:6
29:23 32:13 42:16
49:2 50:18 52:20
55:17 62:12,12
64:5 86:7 89:16
96:8 116:24 132:5
137:13 149:5,15
176:25 188:20
192:19 204:22
209:11 215:12,17
217:3 219:4 222:4
223:15 229:17
233:7 234:16
235:18 236:16
245:8 246:18
247:4 252:12
255:7,21 265:10
270:7 289:7 298:2
304:11 313:11
uhc   92:3 137:15
145:11 195:20
205:9 223:14
248:15
uhc00349   194:2
uhc100354   194:3
uhc10222   247:2
uhc10285   247:21
uhc10339   255:20
uhc10341   255:20
uhc10708   246:2
uhc10709   246:3
uhc16760   299:22
uhc16762   299:22
uhc16992   236:18

uhc18021   292:8
uhc18023   292:8
uhc35672   47:24
uhc37978   306:16
uhc37981   306:17
uhc4017   252:10
uhc4019   252:10
uhc5266   117:21
uhc5273   117:22
uhc78057   207:18
207:22
uhc78062   196:16
207:22
uhc78696   208:11
uhc8209   196:16
206:20
uhc8828   253:10
uhc8831   254:1
uhc8832   253:11
uhc9781   184:2
uhc9782   184:4
uhm   175:16
umr   159:6,10,18
160:1,18,20
uncertain   321:17
undergone   44:21
underlying   34:4
78:12 79:23 98:5
326:19 328:16
underneath   81:17
90:22 108:3
127:22 177:4
275:16
understand   16:13
17:10 30:21 76:23
77:12 80:1 90:4
94:12 138:1
148:13 154:19
162:8 179:4
241:20 250:19
258:20,22 279:21

285:13 302:24
315:6 316:23
understanding
14:1 17:16,23
18:6 30:1 39:9
55:19 70:5 79:16
79:25 80:11
112:12 132:6
268:14 276:22
288:6 296:9
understood   71:18
71:23 94:19 255:3
272:15
undertake   45:4
108:15
undertaken   34:15
36:14 44:22 73:17
undertakings
33:20
unet   4:15 159:21
159:23 160:1
unfair   77:20
unit   9:13 267:4
united   1:1,11 4:13
4:20 5:9,10,12 6:1
6:16,20,24 7:1,4
9:17 10:17 12:9
17:20 19:25 21:17
21:20 22:23 23:1
23:23 27:8,12,15
27:18,24 28:4,5,7
28:18,22 29:12
30:12,19 31:5,23
32:16,25 40:15
41:10 42:13,17,22
49:5 50:7 52:3
54:2 55:2,5 56:18
56:21 57:2 58:3
58:10,11 61:3,4
67:17,20,25 72:22
72:24 73:8 77:10

[united - usually] Page 53

82:7 83:5,6 85:11	214:7,12 215:14	212:15 227:19	**updates** 105:23
85:11 86:6 88:18	216:19 217:16,24	282:20	178:25 289:24
90:7,8 93:3 98:15	219:5,8,10 220:4,7	**unitedhealth**	291:7 312:15
104:18 105:2,18	220:17,19 221:6,8	119:14	320:16
106:8 107:6	221:10 222:5,14	**unitedhealthcare**	**updating** 106:17
108:16,24 109:14	222:22,25 223:2	1:10 2:17 3:23	**upfront** 14:10
110:14 111:3,12	224:16 225:2,12	4:11 5:18,21,23	40:9
111:20 112:2	228:2 229:6,23	9:16 20:1 67:10	**upload** 270:21
115:7 117:9	231:3 232:16	67:13 81:17 82:21	323:25
118:19,20 120:6	237:6 238:15	103:12,19 119:4	**uploaded** 271:4
124:8 125:13	239:9,17 240:7	124:20 145:6	**uploading** 329:24
126:5 127:6	241:3,4,22 242:9	163:19 165:18	**upper** 101:14
129:10,12,17	243:25 244:3	179:17 187:6	**uribe** 2:21 10:18
130:20,24 131:5	248:5 251:25	225:6 237:13	**use** 16:3 17:19
133:8 134:18	257:10,12 262:11	242:4,11,13	23:23 28:24 31:6
135:5 136:19	262:11,18,24	289:18 290:23	31:24 50:14,19,22
137:12,20 138:8	263:3,16,19	317:20 318:25	58:2 71:7 74:11
138:25 139:3,16	268:10 269:5,6	326:4,9 329:15	103:11 111:15
139:24 140:21	272:9 273:18,23	**units** 331:23	112:22 120:14
141:10,13,17	274:10 275:15	**unplugged** 280:9	150:2,12 156:6
143:25 144:11	276:14,23 277:4	281:2	189:8 198:5 199:4
145:17 146:18	277:17 278:12,13	**unsuccessful**	202:1 219:6
147:3,9 157:13,15	278:23 279:5	53:16	220:13 221:10,14
158:13,23,24	281:13,22 285:13	**unusual** 277:2,4	221:18 222:5
159:5,11,13,24	285:24 286:13,23	**upcoming** 5:5	231:1 249:24
160:8,19,20	289:24 293:19,21	322:8	322:23,24,25
161:16 162:11	294:3,5,8,22 295:4	**update** 5:18,21,23	**useful** 58:25 59:13
166:13,21 172:8	295:12 296:10,23	7:15,18 67:13	**uses** 28:4 36:20
172:21,22 173:5	298:22,24 299:2,5	111:9 135:19	62:24 68:13 79:6
173:23 174:1,11	299:11,15 300:13	204:19,24 213:23	101:24 102:1
174:16,22 175:9	300:17 301:14	263:14 312:20,21	111:12 126:14
176:9,12,15	302:3,5 306:10	322:19,20,21	134:17 150:11
177:10,18 178:3	307:7 308:17,18	324:13,14	288:4
178:24 182:10,17	309:19,23 310:3,8	**updated** 49:7 67:5	**usual** 22:7 71:23
183:8,10,15,17	314:3,4,18,20	67:12 111:16	72:13 107:3,10
187:18 190:3	317:23 321:1	112:5 132:7	108:6 112:9,12,16
192:9 194:7 196:9	322:6 326:18	136:13 145:4	113:8 236:6 264:6
197:24 198:1,3,5	329:7,10,11,19,21	187:18,19,21,22	291:6 318:4
199:1,4 201:14	**united's** 131:24	187:25 188:2	**usually** 158:20
203:16 204:2,13	134:1 162:4	215:20,22 239:19	172:9,16 204:5
204:15 213:17	174:12,22 178:2		

utilization 219:8
  271:24 272:2,19
  278:7
utilize 22:24 70:24
  115:7 159:18
  173:23 272:1
utilized 23:1 38:3
  177:18 289:23
utilizes 41:10
utilizing 28:19
  83:8 174:23,23
  203:1 262:12

v

vague 114:20
valid 143:9,16
value 3:19 59:7
  60:20 62:3,9
  69:19 260:5
values 60:25
various 16:12
  222:4
vary 222:10
vendor 5:7 6:11
  184:16
verdict 32:14,17
  32:23 33:1
veritext 9:22,24
  331:24
version 124:7
  126:9,10 207:20
versus 9:15 130:20
  175:9 236:7 318:9
viant 3:17,21 4:2,6
  4:9 6:5 7:5,15
  17:20 21:15,18,19
  21:22,24 22:1,5,14
  22:15,18,20,24
  23:2,5,8,11,17,23
  23:24,25 24:20,23
  26:1 28:8,19 30:1
  30:10,11,19 31:24

33:21,25 34:2,4,11
35:9,17 36:19
37:2,5,11,22 40:14
41:11,18 42:18
43:17 44:1 49:5
51:7 52:24 55:4,4
56:2 58:3,3 61:7,9
61:12,17 63:16
64:10 66:5 68:13
70:24 74:17 77:10
77:15,20,21 78:12
79:6,23 86:14,17
87:3,21 88:18
89:22 93:3,4,5
95:17 96:19
100:11 101:9
102:23 104:18
105:15 106:5,23
106:23 107:18,20
107:24 108:1
109:21 110:2
111:3,14 114:25
115:6 119:9,10
123:1,4,23 124:1
125:6 128:8 131:9
132:3 135:20
136:4 139:9 147:9
147:10,18,18
148:2,5,24 149:12
149:15,21,23,25
150:11,12 159:19
163:11 179:11
181:4,12 182:4
184:19 186:23
192:10,14,16,22
196:23 197:4,25
198:4 199:5
201:15 202:1,14
209:23 210:25
211:25 212:17
216:5,20 217:12

217:23 218:12
222:7 242:18
244:10,13,22
252:23 254:15
264:10 265:4
266:11,24 267:5
268:17 269:9,17
282:7 286:7,14
288:4 293:21
294:3,19 297:13
298:15 304:7,12
304:15 309:5
318:4 320:15
326:3,10 327:4,12
328:13 329:16
viant's 68:10
  69:19 74:10 79:8
  107:6 223:17
  293:22 294:5
  328:12
vice 19:9,18 21:4
  21:10
video 1:19 8:3
  9:10,13
videographer 2:22
  9:3,23 84:10,13
  155:11,15,18
  193:13,16,19
  209:2,5 219:15,19
  219:22 228:21,24
  229:2 261:12,16
  261:19 293:1,4
  305:7,11 323:1,4
  323:10,13 331:21
view 272:23
virtually 9:6
visiting 204:4
volume 139:9
  148:10 234:2
  250:13 329:18

volumes 202:25
vs 1:9

w

wa 334:23
wait 13:18 174:4
  304:24 325:24
waiting 95:12
  271:1,2,3
waiving 26:25
want 14:12 16:20
  31:6 42:8 43:14
  45:21 60:12 61:23
  68:9 87:23 117:23
  122:1 125:15
  142:2,4 143:17
  155:5,9,10 156:20
  168:9 176:18
  179:11 190:19
  214:18 216:7
  217:10 228:21
  232:8 235:14
  256:12,20 261:13
  270:20 274:9
  287:25 292:2
  300:23,24 305:1
  310:16,24 320:10
  321:7 326:22
  330:4,24 331:3,5
wanted 120:22
  218:20 251:6
  267:11 330:5
wanting 300:6,7
wants 155:4 206:9
  274:10 285:13
washington 2:6
  8:8 334:4
waste 213:13
wasting 77:24
  154:14
way 14:14 30:11
  47:2 77:6 86:18

[way - witness]   Page 55

125:10 130:19	322:17 325:9,13	28:11 29:8 30:5	136:7,13,23
169:25 173:21	328:24 329:24	30:15,25 31:4,17	138:10,15 139:2
176:19 186:9	**went** 19:22 197:18	32:4,8 34:20	139:12,19 142:5
205:9,15 216:15	205:19 215:6	35:21 36:9 37:15	143:6 144:3,14
225:19 298:17	260:6	37:17,25 38:7	146:1,10,22 148:1
319:12 334:16	**white** 15:18,19	39:4,15 40:3,21,23	149:5,15 151:8,13
ways 214:10	20:12,24,25 21:1,7	41:6 42:4,21 43:4	152:3,15 153:5
225:17,22 329:12	28:11 35:10,12,14	43:13,20 44:6	155:4,7,13 159:4
we've 13:16 18:14	35:16 37:10 60:24	45:8 46:14 47:15	160:14 161:21
30:6 68:4 72:10	65:2 68:1 87:12	48:5 49:19 51:3	162:15 165:21
75:6 78:5 83:17	87:22 95:20 98:14	51:13 52:7,16	166:8 167:10
89:6 110:15	98:21 123:20,25	54:6,19 56:12,20	168:6 171:6,7
139:22 145:12	124:4,4,7 144:24	57:9,17,20,24	173:8 174:24
201:13 208:14,15	145:13 200:23	58:23 59:6,17	175:6 176:21
233:21 234:14	203:5,16 205:1	60:15 62:23 63:11	180:16,19 182:7
245:22 249:9	211:1,12,18,25	63:21 64:2,5,14	182:14 183:16,23
264:10,24 277:12	227:22 228:16	66:16 69:1,15,24	184:6 185:12
290:6 313:6	285:10 288:1	70:5,18 71:4,11,22	186:11 190:10
315:14 316:10,10	292:12,14,17,21	72:8,20 73:13,22	191:3 192:1
316:11,11,12	294:2,9 297:5,10	74:6,22 75:3,13	194:20 195:3,11
319:1 327:2	297:13 298:15,16	76:11,19 77:8	196:1 198:22
web 173:14,14	298:25 299:2,8	79:1,19 80:4,10,18	199:20 200:1
website 260:6	312:5,9,14,20	81:5,23 82:11	202:25 205:2,12
308:14	313:2	83:25 84:3 86:24	205:14,22 209:11
weeds 58:12	**white's** 20:13 21:2	87:8,17 88:5,11,21	211:7,21 212:5,13
240:12	**wifi** 191:24	89:11 90:16 91:5	213:21 214:10,18
week 135:24	**wilde** 46:9 65:18	93:12,13 94:21	215:6,8 217:1,3,20
192:25 193:1	65:19	96:14 97:7 98:8	218:1,17 219:1
285:19 312:22	**willey** 2:21 10:18	100:14,22 102:13	220:11,24 221:14
weeks 153:21	**willing** 51:21	102:20 103:15	221:21 222:10,18
165:2 167:14,15	234:10	104:3 105:8	223:6,24 224:21
167:17 191:4	**wilson** 48:15 49:3	106:12 108:21	225:5,16 227:8,18
237:17	**wire** 198:10,12	109:3,10,19 110:7	228:20 230:19
weight 175:10	**withdraw** 103:20	110:23 111:7,24	231:6,13 232:1
weinstein 229:14	206:9	113:3,17,23 114:6	234:5 236:13,16
229:16,19,21	**witness** 9:9 14:3	114:16,22 115:21	237:20 239:16
230:1,9	15:21,21,25 16:3,7	115:22 116:16	240:5,18,25
welcome 7:22	16:18 17:11,17	117:5,13 118:23	242:25 244:10
wemhoff 2:4 10:9	18:24 22:5 23:11	122:5,14 123:10	245:1,5 248:4
207:21 208:1	23:12,20 24:4	127:4 130:6 131:5	249:9 251:1,18
270:18,21 271:5	25:20 27:2,5	132:18 133:1,25	252:20 254:19

CONF AEO 30(b)(6) Jacqueline Kienzle July 12, 2022

LD, DB, BW, RH v. United Healthcare Insurance Comp

[witness - ygr] Page 56

257:8,12,19 258:5
259:1,12,19
260:12,22 262:1
264:21 269:4,13
270:23,25 273:9
274:4,22 276:2,20
277:11,23 278:6
279:15 280:1
281:20 283:14
284:4 286:4,11,17
289:16 290:24
291:16 292:5,14
294:17 295:23,24
296:7 298:2,9,19
299:5,14 300:22
302:13,22 303:6
303:11 304:3
307:18 308:1,6
309:13 310:3,14
311:18 314:25
316:2,5,20 317:8
317:12,15 322:6
322:13,18,22,24
323:19 324:2,5,12
324:24 326:7,14
327:11,20,23
328:11 329:6
330:15 334:8
witnesses 58:13
wonder 47:11
wondering 26:17
175:14 183:7
292:19
work 26:6 28:22
29:4,13,15,21
45:15,17 46:21
48:18 52:11 54:14
54:24 59:15 66:5
114:10 128:14
129:17 181:4
187:16 239:17

240:7 248:18
250:18 251:2
297:25 318:16
workday 240:15
worked 21:15,20
23:16 114:9 200:3
248:2,6,7
working 22:15
66:6 70:22 77:15
106:4 192:24
238:16 239:22
241:4,4,21,24
252:2,4
works 41:3 63:14
77:2,15 115:11
180:25 240:6
258:12 279:14
300:20
world 7:22 164:3
260:3
wow 141:15,15
wrap 276:6,6,10
279:6,10,24 280:3
280:5,12 324:6
write 183:4
written 8:1 34:25
wrong 77:23 260:7

x

xml 102:2,10

y

y'all 107:11,11
yeah 18:15 24:3
30:5 34:20 37:17
41:25 42:21 47:6
48:17 57:20,24
59:6 64:8 65:20
71:22 73:22 74:22
77:8 81:5,23
85:19 88:3 99:19
107:11,15 111:24

113:6,6,6,17 114:6
119:2 121:6
127:25 134:5,7
136:23 138:2
139:3 140:8,23
148:4 149:2 155:3
160:14 167:20
170:13 183:2,13
184:6,10 185:19
186:10 190:10
193:6,12,15 195:3
195:11 199:22
200:2 201:10
202:10 204:10
205:12,13 206:6
206:11,13,25
208:19 211:7,21
214:3 215:7
220:11,22 222:10
239:13,21 240:23
242:2 243:2,5,5
251:6 252:20
257:12 263:20
266:4,6,25 267:19
272:13 276:5
279:15 280:1,11
283:11 286:4
287:20 292:12,16
299:14 302:24
304:4 305:5
308:11 309:14
313:23 314:22
316:9 319:22
324:6 326:14,24
330:15 331:9
year 12:2 22:15
37:12 68:16 73:15
108:2 121:9
133:14 147:18
148:10 162:23
163:7 172:8 175:2

187:21,23,23
188:1,2 197:21
199:11 206:17
207:12,12 232:14
232:17,21,21,22
232:24 233:2
234:14 253:13
318:20,21,22
years 19:12,15
21:6,19,21 23:1,8
23:16,20 72:9
77:11,16 89:22
112:3,4 114:9
138:20 158:16
162:13 221:3
233:22 282:19
329:19
yep 11:21 16:22
38:22 47:15 48:19
49:12 57:24
126:18 127:23
136:13 179:24
186:3 189:12
192:21 206:22
233:7 234:19
236:23 244:13
245:16,19,19
247:17 251:10
253:2,25 256:23
262:1 264:9
268:15 269:16
284:4 287:15
290:22 306:9,9
307:17 310:23,23
312:11 321:9
327:2
yesterday 14:22
14:24 15:4 241:8
241:9,12
ygr 1:7 9:19

CONF AEO 30(b)(6) Jacqueline Kienzle   July 12, 2022
LD, DB, BW, RH v. United Healthcare Insurance Comp

[york - zoom]   Page 57

york 1:13 172:20   268:21 269:6,7,10 **ytd**   6:17
z

z   11:8
zoom   8:5 9:21
  173:12,14 184:9
  237:7

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the

deponent or a party before the deposition is

completed, the deponent must be allowed 30 days

after being notified by the officer that the

transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to

sign a statement listing the changes and the

reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed

by Rule 30(f)(1) whether a review was requested

and, if so, must attach any changes the deponent

makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES

ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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as submitted by the court reporter. Veritext Legal
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